



NEW HAMPSHIRE
RECREATION & PARK ASSOCIATION



NEW HAMPSHIRE MUNICIPAL ASSOCIATION



Here Comes the Parade: Are Your Volunteers and Recreational Staff Ready?

Presented by:

Kerry Horne, Executive Director, New Hampshire
Recreation and Parks Association

Margaret M.L. Byrnes, NHMA Staff Attorney

April 12, 2017

How to Participate Today

- Open and close your Panel
- Submit text questions
- Q&A addressed at the end of today's session
- Couple of "pop quizzes" for your entertainment

The screenshot displays the GoToWebinar interface. At the top, there is a menu bar with 'File', 'View', and 'Help'. Below it, the 'Audio' panel is visible, featuring a 'Panel' icon (a right-pointing arrow) and a 'Questions' icon (a hand with a question mark). Red arrows point from the text in the list to these icons. The 'Audio' panel includes 'Audio Mode' options: 'Use Telephone' (unselected) and 'Use Mic & Speakers' (selected). Below this, there is a 'MUTED' indicator with a microphone icon and a volume level indicator. A link for 'Audio Setup' is also present. The 'Questions' panel is highlighted with a red border and contains a large text input area with a placeholder '[Enter a question for staff]' and a 'Send' button. At the bottom of the interface, there is a promotional banner for 'Start Holding your Own Web Events with GoToWebinar' with the Webinar ID: 977-124-241 and the GoToWebinar logo.

Here Comes the Parade



Agenda

I. Basic Legal Considerations

Margaret M.L. Byrnes, NHMA

II. Volunteer Risk Management

Kerry Horne, NHRPA

Basic Legal Considerations



Volunteer or employee?

Why does it matter?



Basic Legal Considerations

What is a “volunteer”?

- Freely offers service
- Civic/Humanitarian purpose
- No expectation of compensation



Basic Legal Considerations

Fair Labor Standards Act

- Can be paid expenses, reasonable benefits or a nominal fee
- Same or similar services prohibition



Basic Legal Considerations

Special Rules for Youth Volunteers

- RSA 276-A
- N.H. DOL Rules:
Lab 1000
- “Casual work”
- Longer-term relationship



Basic Legal Considerations

Background Checks



- RSA 41:9-b
 - Optional background checks
 - Employees and volunteers
- RSA 485-A:24—youth skill camps (p. 12, law has changed)
 - Mandatory background checks
 - NH Admin Code Env-Wq 900 Youth Camps

Basic Legal Considerations

Volunteer immunity, RSA 508:17

(a) The government entity has a record indicating that the person claiming to be a volunteer is a volunteer

(b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and

(c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

→ Must not receive any compensation

→ Doesn't immunize municipality, statutory cap



Volunteer Risk Management

**Don't be Fooled...
Risks Are Present!**

FAMOUS LAST WORDS...

“That will never happen here”



Volunteer Risk Management

Word of Advice:

- You should always seek professional advice from your own legal counsel or liability carrier for advice or concerns around volunteer management.



Volunteer Risk Management

Things to Consider:

- Find the right person for the right position.
- Are volunteers qualified?
- Do you have an application & screening process?
- How will you train your volunteers?
- Who will supervise your volunteers?



Volunteer Risk Management

Things to Consider:

- Will volunteers be driving a vehicle for the event?
 - If yes, have you checked their motor vehicle record?
- If volunteers are driving their own vehicle, have you required proof of auto insurance?



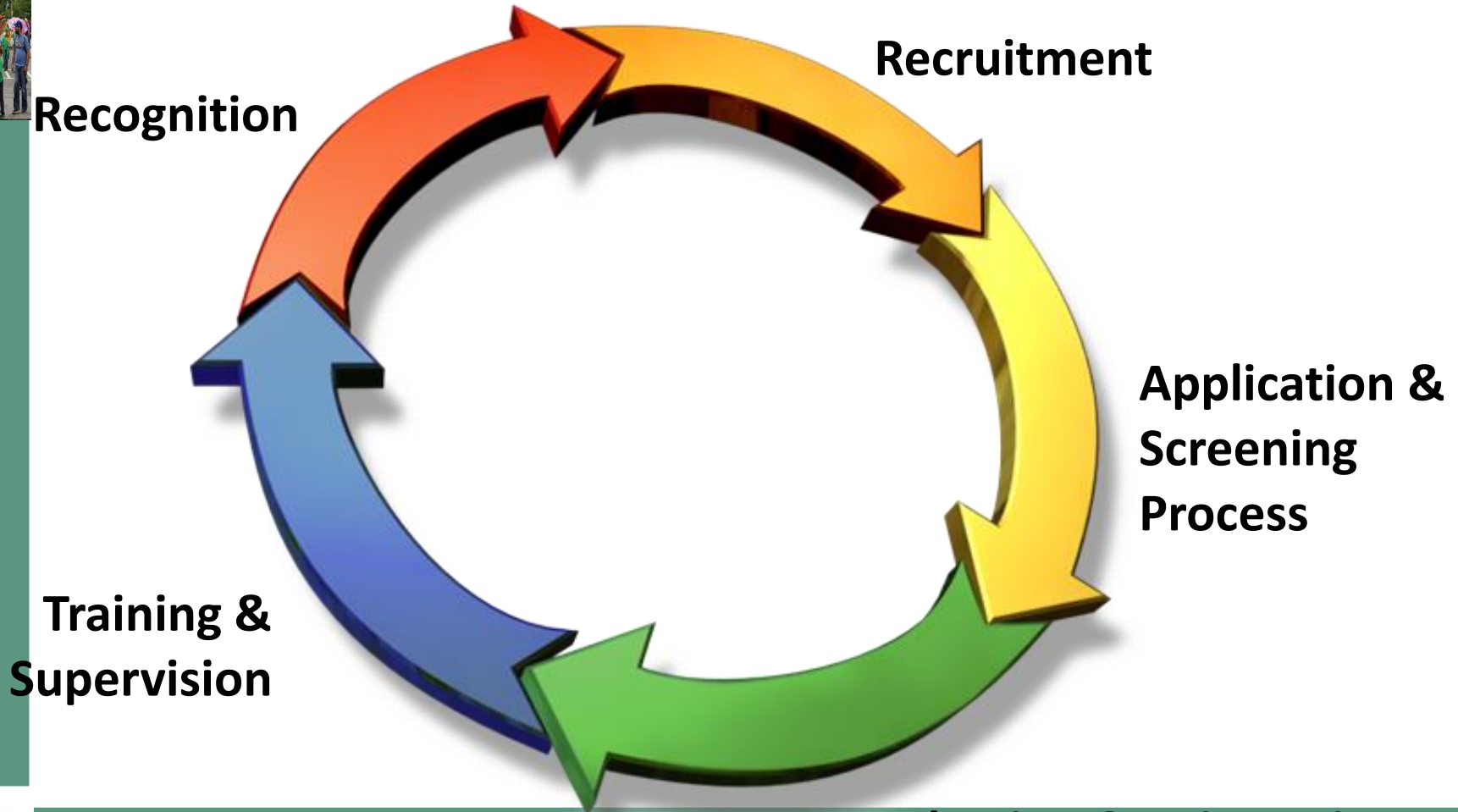
Volunteer Risk Management

Things to Consider:

- Are policies in place to handle injuries to volunteers?
- Volunteer incident or accident policies.
- Are you requiring volunteers to sign waivers and release of liability prior to volunteering?



Volunteer Risk Management



TAKE A



POLL!

Where is the geographic center of New Hampshire?

- A. Holderness
- B. Plymouth
- C. Ashland
- D. Bristol
- E. Bridgewater

Volunteer Risk Management

Recruitment:

- Where does your organization need volunteers?
 - Volunteer Form (pg. 21)
 - Position Description (pg. 22)

- Where do you find volunteers?



Volunteer Risk Management

Application & Screening

- Volunteer application (pg. 24)
- Interview questions
- Volunteer screening tips
 - Background checks
 - References



Volunteer Risk Management

Screening Tips:

- Same process for all
- Get permission
- Include others in screening process
- Make sure the information gathered fits the position
- Be consistent & don't skip any steps in your process



Volunteer Risk Management



Selection & Orientation:

- Letter of Agreement (28)
- Orientation Checklist (30)
- Volunteer Handbook



Volunteer Risk Management



Selection & Orientation:

- Code of conduct
- Time log (pg. 35)
- Special event log (pg. 36)

Individual Volunteer Weekly Time Log

- Please complete this form each day that you volunteer.
- Submit to your supervisor on the last day of the week.
- Keep your log in a place where your supervisor can readily access it, if necessary.

Name: _____ Month: _____ Year: _____
Job Title: _____ Department: _____
Home Telephone: _____ Email: _____

Date:	Time In:	Time Out:	Total Hours:

Total Hours Volunteered This Week: _____
Volunteer Signature: _____ Date: _____
Supervisors Signature: _____ Date: _____

Volunteer Risk Management

Training & Supervision:

- Who leads training?
- What is needed?
- Always remember
 - scope of duty
 - confidentiality
 - hazards/PPE
 - Injury reporting



Volunteer Risk Management

Volunteer Evaluation:

- Why give volunteers an evaluation?
 - Consistency
 - Performance Improvement
 - Termination

Volunteer Performance Evaluation

Name: _____ Date: _____

Department: _____

Supervisor: _____

Evaluation Period: From _____ to: _____ (insert dates)

Work Habits:	Yes	No
Reports for assignments as scheduled.	_____	_____
If unable to work, notifies supervisor promptly.	_____	_____
Exhibits enthusiasm for work.	_____	_____
Completes assignments in timely manner.	_____	_____
Utilizes time effectively.	_____	_____
Quality of Work:		
Understands purpose and goal of department	_____	_____
Understands assignments.	_____	_____
Executes assignments with little supervision.	_____	_____
Asks questions when in doubt.	_____	_____
Completes assignments on time.	_____	_____
Relationship with Others:		
Is courteous and uses tact.	_____	_____
Relates well to public.	_____	_____
Works well with other paid and volunteer staff.	_____	_____

Overall comments: _____

Signature of Volunteer: _____ Date: _____

Signature of Supervisor: _____ Date: _____

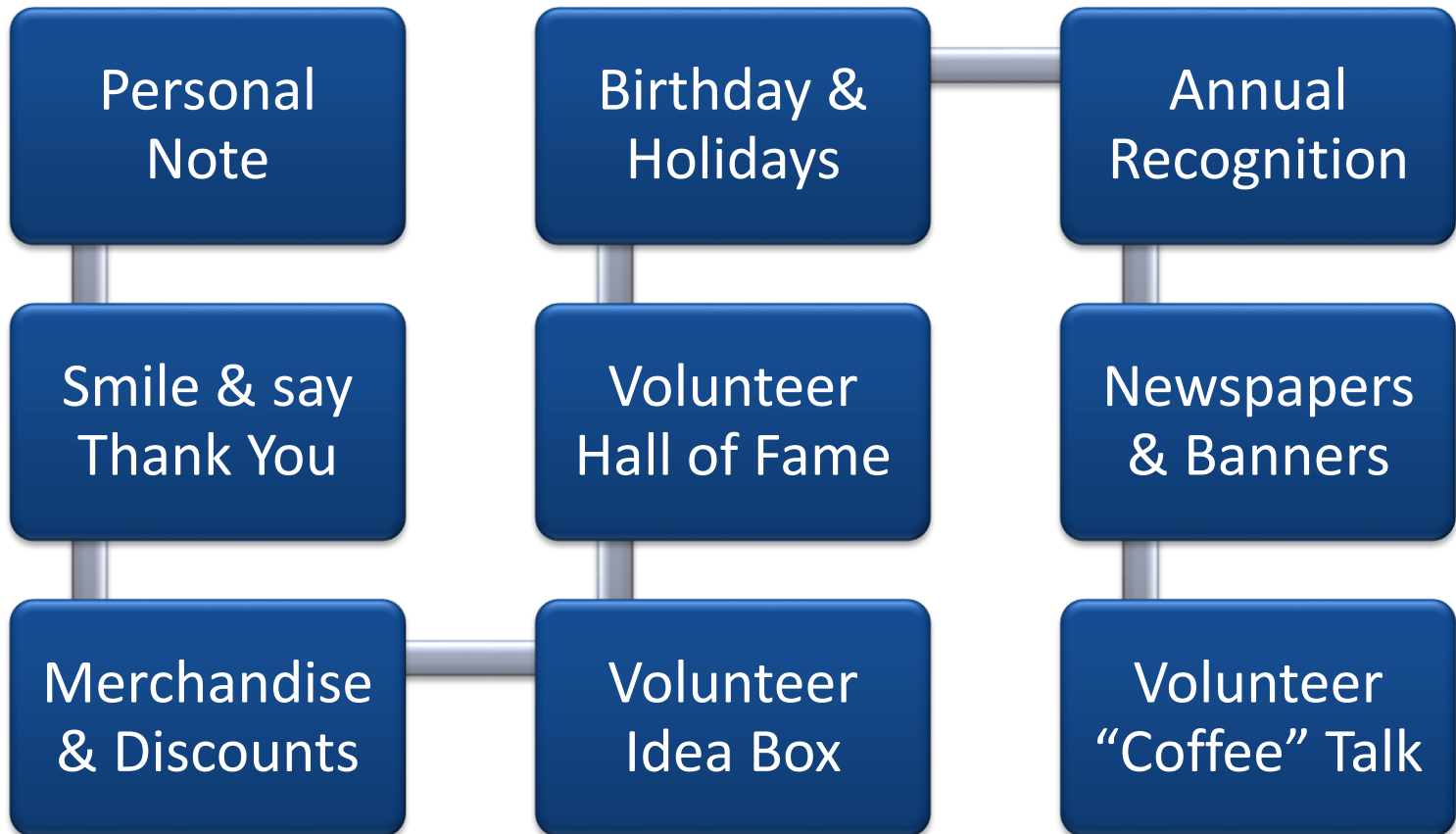
Volunteer Risk Management

Recognition:

- Important step – don't forget this one!
- Motivates volunteers
- Improves volunteer retention
- Low or no cost



Volunteer Risk Management



TAKE A



POLL!

How many state parks are in New Hampshire?

- A. 38
- B. 42
- C. 48
- D. 52

Volunteer Risk Management



Reduce your risk:

1. Use common sense
2. Involve your volunteers
3. Praise & correct
4. Remove volunteer
5. Don't assume volunteers "know everything"

Volunteer Risk Management



Reduce your risk:

6. Establish volunteer policies
7. Ensure communication
8. Revise policies when necessary
9. Use written agreements
10. Risk management is everyone's responsibility!

Volunteer Risk Management



PROD.

COMING ATTRACTIONS

May 24

**References to Records Checks:
Best Practices for Background Investigations**

VENUE

www.nhmunicipal.org





Continuous Improvement
Lean
New Hampshire



In partnership with NHMA, the New Hampshire Bureau of Education and Training (BET) will be offering the Lean White Belt for NHMA members.



Lean White Belt Workshop
Monday, April 17, 2017
NHMA Offices, 25 Triangle Park Drive, Concord

9:00 a.m.— 12:00 p.m.
Registration begins at 8:30 a.m.

Cost: \$20 for NHMA Members
\$40 for Non-members

Lean for government focuses on governing and serving citizens with respect and continuously improving service delivery by cutting out "waste" and "inefficiency" in processes. Simply, lean means creating more value for customers with fewer resources. Businesses in all industries and services, including government, are using lean principles as the way they think and do. It is not a tactic or a cost reduction program, but a way of thinking and acting for an entire organization in order to improve efficiency and quality.

The Lean White Belt program will acquaint members with the principals, philosophy and tools of Lean thinking. The White Belt program will prepare attendees to identify potential improvement projects in their organizations, and is a great opportunity to build a Lean culture by expanding awareness of continuous improvement concepts and techniques.

Join Kate McGovern, Associate Professor with the State of New Hampshire Bureau of Education & Training (BET), who teaches in the BET's Certified Public Supervisor and Public Manager programs, and in BET's Lean certificate programs at the White, Yellow, Green and Black Belt levels. Kate also conducts on-site Lean programs for New Hampshire municipalities and non-profit organizations.

Register Today!

To register online, please visit www.nhmunicipal.org and click on the Calendar of Events.

Cancellation must be received 48 hours in advance. If cancellation is not received 48 hours in advance, NHMA will charge you \$20 to cover workshop costs

Questions? Please call 800.852.3358, ext. 3350
or email NHMAregistrations@nhmunicipal.org

RIGHT-TO-KNOW WORKSHOP



9:00 a.m.—4:00 p.m.
Thursday, June 8, 2017
NHMA Offices, 25 Triangle Park Drive, Concord

\$90 for NHMA members; includes new publication
A Guide to Open Government:
New Hampshire's Right to Know Law

The Right-to-Know Law (Chapter 91:A) affects every aspect of local government in our state. Every board, committee, commission, and subcommittee in every town, city and village district in New Hampshire must comply with this law. As a result, all local officials and employees must understand the law and their responsibilities regarding both public meetings and governmental records.

Join Legal Services Counsel Stephen Buckley, Staff Attorney Margaret Byrnes, and Government Affairs Counsel Cordell Johnston for this full day workshop on the Right-to-Know Law. They will address some of the most difficult issues under the law, including confidential information, electronic records and communication, procedures for non-public session, and communications outside a meeting. There will be ample time for questions and answers on all aspects of the law.

Registration begins at 8:30 a.m.
Continental breakfast and lunch included.
Attendees will also receive the new NHMA book.

A Guide to Open Government:
New Hampshire's Right to Know Law

Register online today at www.nhmunicipal.org and look for the workshop under Calendar of Events.

QUESTIONS? Call 800.852.3358, ext. 3350 or email NHMAregistrations@nhmunicipal.org.

Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

RSA 91:A, I Preamble

**CHECK OUT
OUR NEW
BOOK!**





DrummondWoodsum
ATTORNEYS AT LAW

2017 Employment Law Workshop

Hot Trends and Developments

New regulations, laws, court decisions, government agency activities – and now a new presidential administration – mean that keeping abreast of the workplace and employment landscape is getting harder and harder.

Join Attorneys Mark T. Broth and Anna B. Cole from Drummond Woodsum law firm's Labor and Employment Group in Manchester, who will present a lively and informative overview of everyday laws and regulations that impact public sector employers in New Hampshire. These expert presenters will hit on the important subtleties of workplace law issues and the most critical points for decision-making. The workshop will include the latest in employment and labor law, including:

- Americans with Disabilities Act
- Harassment, Discrimination and Retaliation
- Fair Labor Standards Act
- Family Medical Leave Act
- Time Off/Leaves
- Workers' Compensation
- Discipline/Investigations

Why Attend?

The reality of employment law is that it can be multifaceted, complex and difficult to understand. If you hire, manage or supervise individuals in your city or town, then enhance your understanding of these employment and labor laws and regulations at this exclusive full-day NHMA workshop.

Who Should Attend?

Administrators, managers, human resource professionals, in-house counsel, supervisors and department heads.

How Much?

The cost is \$90 per person. The fee includes materials, continental breakfast and lunch. Seating will be limited to the first 70 registrants.

Watch for registration details at www.nhmunicipal.org.

When?

8:30 a.m. – 4:00 p.m., Thursday, May 11, 2017

NHMA Offices, 25 Triangle Park Drive, Concord

8:30 a.m. – Registration and continental breakfast. Program begins at 9:00 a.m.





NHMA and Drummond Woodsum Announce

New Free Member Benefit

Employment Law Hotline



NHMA and Drummond Woodsum are pleased to announce the formation of the *Employment Law Hotline*, a free service now available to city and town members of NHMA!

The *Hotline* is available at no charge and Drummond Woodsum labor law attorneys will provide up to 1/2 hour of **FREE** legal advice per employment issue.

Drummond Woodsum labor law attorneys are available to provide legal advice on matters including Title VII, Family Medical Leave Act, Americans with Disabilities Act, Fair Labor Standards Act, employee discipline, sexual harassment, wrongful termination and age, sex and race-based discrimination.

What Can You Expect?

Drummond Woodsum *Hotline* attorneys will be available to answer employment-related questions - **-before you act** - and will make every effort to have every call responded to within 24 hours by an employment lawyer. The *Hotline* attorneys will let you know if you are facing a potential liability and how to best proceed. Should a NHMA member using the *Hotline* seek advice on a specific matter, or should the question posed suggest circumstances that might give rise to liability, they will be advised to consult on that matter with legal counsel of their own choosing. Drummond Woodsum will keep confidential any information which it receives relative to the employment matter.

Who Can Call the Hotline?

The *Hotline* is a service available to only administrators, managers, department heads and elected officials from NHMA city and town members, and only concerning questions regarding employees subordinate to the caller. For example, the *Hotline* will not respond to inquiries from a department head regarding the authority of a town manager, or from a town manager regarding the authority of elected officials.

Is There a Fee?

The *Hotline* is **FREE**, available at no charge, to NHMA city and town members, and will provide up to 1/2 hour of legal advice per employment issue. It is anticipated that most general employment law questions can be answered in less time.

Got an employment issue?

Before you act, call 603.623.2500 or email at ehotline@dwmlaw.com.

DrummondWoodsum

ATTORNEYS AT LAW





*for attending
our webinar
presentation
today!*

Mission Statement

The New Hampshire Municipal Association is a non-profit, non-partisan association working to strengthen New Hampshire cities and towns and their ability to serve the public as a member-funded, member-governed and member-driven association since 1941. We serve as a resource for information, education and legal services. NHMA is a strong, clear voice advocating for New Hampshire municipal interests.

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