

**Citizen Corps/Community Emergency Response Team (CERT)  
Volunteer Management Practices  
December 2004**

The selection and management of volunteers is a vital part of the growth of the South Dakota Citizen Corps/CERT programs. In an effort to assist in these vital functions, the South Dakota Office of Emergency Management has compiled some generally accepted human resource practices which may be useful in managing Citizen Corps volunteers. This review information is offered to:

- Meet the Citizen Corps grant provisions requiring compliance with Federal legislation such as Civil Rights Title VII, ADA and ADEA
- Minimize the risk of discrimination and discrimination lawsuits by identifying the essential functions of each Citizen Corps/CERT volunteer position.

The information provided should not supercede that of legal counsel. It is offered as generally accepted human resource best practices which may be considered in structuring and managing a volunteer program.

1. Determine the essential functions of the volunteers. Essential functions can be determined by the table below.

Considerations	Essential Functions	Marginal Functions
Percentage of time spent	Often 20 % or more	Less than 10 % of time
Frequency	Performed regularly: daily, weekly, monthly	Performed infrequently or when substituting in part of another job
Importance	Task has consequences to other parts of job and other jobs	Task is unrelated to job and has little consequence if not performed

Development of the essential functions is a local function dependent upon the particular volunteer program. The list below is intended as an example of the type of functions. Do not include items such as must be able to lift 50 lbs, as volunteer tasks vary widely. Possible essential functions for Citizen Corps/CERT volunteers might be:

- Achieves a passing grade on the training examinations
- Follows instructions accurately
- Attends at least 50% of meetings, exercises and responses
- Performs as part of a team
- Performs tasks specific to level of training
- Does not self-deploy
- Does not perform tasks beyond their level of training

2. An individual may not be refused from serving as a volunteer on the basis of race, religion, sex, etc. For more information, please review the general provisions of the Federal labor laws regulating discrimination as outlined in Attachment 1.
3. Selection decisions are based on whether the individual is able to perform the essential functions. When interviewing volunteer applicants, remember to ask only job related questions. Do not make any selection decisions based on age, sex, religion, nationality or disabilities.
4. CERT training, for example, may be offered to any local resident who volunteers on an individual preparedness basis. If these volunteers are organized into a team for activation, their performance in the training class may be compared to the essential functions for the position and admittance refused to those unable to perform the essential functions. Background checks may also be performed before the decision is made to allow a volunteer on an activated team. It is allowable to refuse those with criminal records, such as sex offenders, participation in the program. In fact, there is some risk of a lawsuit for not exercising due diligence if someone is admitted into the program who has, for example, committed violent acts and they do so as a member of the program. Another option is to run a background check on all volunteers who apply for training before the training begins. See Step 5 for information on background checks.
5. Background checks take several forms as listed below. The most practicable forms of background checks for Citizen Corps volunteers are probably references, the local criminal check and motor vehicle records. Professional licenses/certifications would be needed for Medical Reserve Corps volunteers. Before proceeding with the background check, a signed release form such as Attachment 2 must be completed by the volunteer.
  - Criminal record check: local and all address locations
  - Professional licenses/certifications
  - Motor vehicle records
  - References
  - Drug testing
6. In the event a volunteer cannot perform the essential functions and refusal into the volunteer program is the outcome, thorough documentation referencing the inability to perform the essential functions is needed. Similarly, if a volunteer is no longer meeting the essential functions for the volunteer program and adverse action is necessary, documentation of the deficiency which led to the action is recommended. It is good HR policy to give the volunteer an opportunity to correct their performance before taking any adverse action.

7. For additional information, please reference the Emergency Management Institute self study course on working with volunteers located at:  
<http://www.training.fema.gov/emiweb/IS/is2441st.asp>

## Attachment 1

Civil Rights Act of 1964, Title VII – forbids employment discrimination on the base of race, color, religion, sex, and national origin. It was passed in part to bring about equality in all employment-related decisions. The Equal Employment Opportunity Commission (EEOC) enforces the provisions of Title VII.

Pregnancy Discrimination -- The Pregnancy Discrimination Act (PDA) of 1978, which amended the Civil Rights Act of 1964, forbids discrimination on the basis of pregnancy

Americans with Disabilities Act (ADA) -- The Americans with Disabilities Act (ADA) enacted in 1990 expanded the scope and impact of laws and regulations on discrimination against individuals with disabilities. Who Is Disabled? -- As defined by the ADA, a *disabled person* is someone who has a physical or mental impairment that substantially limits that person in some major life activities, who has a record of such an impairment, or who is regarded as having such an impairment.

Age Discrimination in Employment Act (ADEA) -- The ADEA, as amended, prohibits employment discrimination against all individuals age 40 or older working for employers having 20 or more workers.

MEMO: This summary is not all inclusive of federal discrimination regulations. Consult your labor attorney for detailed issues.

## Attachment 2

### Disclosure to Volunteer Applicant

This is to notify you that a Consumer Report and/or Investigative Consumer Report will be conducted on you for volunteer purposes.

By signing the release below, I hereby authorize {Enter Company Name} to contact any and all corporations, former employers, credit agencies, educational institutions, law enforcement agencies, city, state, county, and federal courts, military services to release information about my background including, but not limited to, information about employment, education, consumer credit history, driving record, criminal record and general public records history to {Enter Company Name}.

I release from all liability all persons, companies, schools supplying such information. I indemnify {Enter Company Name} against any liability, which may result from making such requests. This release shall remain in effect for the length of my employment. I understand and I may have a right to request additional disclosures regarding the nature and scope of the investigation. I also understand that I will be given a copy of the consumer report and a written description of my rights under the Fair Credit Reporting Act.

I believe to the best of my knowledge that all information I have provided is accurate, true and correct and that I fully understand the terms of this release.

Name: \_\_\_\_\_

(Please print) Other names used: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Date received degree (if applicable) \_\_\_\_\_

Social Security #: \_\_\_\_\_

Driver's License Number & State: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

**Note: Please call {Enter Company Name/Vendor Name} at {Enter Telephone Number} and give them your date of birth so we may complete the Consumer Report.**