

City of Manchester
NEW HAMPSHIRE

VOLUNTEERS AND UNPAID STUDENT INTERNS

Department Heads and supervisors are responsible to ensure that volunteers and unpaid interns in their departments meet the criteria as defined in the federal Fair Labor Standards Act and that the appropriate waiver forms are signed and submitted to Human Resources. The City of Manchester has established the following policy for volunteers and unpaid student interns.

VOLUNTEERS

A volunteer is generally defined as an individual who donates hours of service for civic, charitable or humanitarian reasons. The federal government defines that services provided by volunteers are performed without promise, expectation, or receipt of compensation for services rendered. Further, the volunteer is free from coercion or pressure, and is not otherwise employed by the same public agency to perform the same type of service for which they propose to volunteer.

Volunteers may fall into one of four categories, defined as follows:

- 1) Private Individuals Not Employed by the City: Individuals volunteering in city government must meet the following requirements:
 - a. The volunteer must complete a *Volunteer Application* (Appendix A).
 - b. The supervisor or department head must obtain three favorable references for each private volunteer.
 - c. A criminal background check is required for each volunteer who works with youth, elderly or disabled individuals, or who is otherwise assigned to a sensitive position that involves access to or custody of cash, equipment, drugs or confidential information.
 - d. A motor vehicle check is required if duties involve driving a vehicle.
 - e. Once approved, the volunteer and Department Head sign the *Volunteer Waiver* (Appendix B). A copy is filed with HR before volunteer begins.
 - f. The volunteer must complete the *Volunteer Service Statement and Agreement*. Form must be returned to the HR Department (Appendix C).

- 2) City of Manchester Employees*: City of Manchester employees who volunteer to perform services for the City of Manchester are considered volunteers if:
 - a. They receive no compensation or are paid only reasonable benefits, nominal fees, or for expenses to perform the volunteers services; and
 - b. They are performing services unlike those for which they normally would be employed.
 - c. They complete the *Volunteer Service Statement and Agreement*. Form must be returned to the HR Department (Appendix C).
 - d. A favorable recommendation must be obtained from the employee's department head and/or division head.
 - e. A criminal background check and/or motor vehicle check is required if indicated and if not previously completed.

*Non-exempt employees must be paid if they perform the same type of service that they are otherwise paid to do.

- 3) One Time Only Volunteers - The City of Manchester provides opportunities for volunteers to work on specific projects that involve a one-time only or non-reoccurring volunteer experience. In such situations, it is impractical to follow the procedure for approving individual volunteers, but rather registration records should be kept by the department(s), noting the volunteer activity, the date and location of the activity, the name of the individual volunteer, the number of hours each volunteer works and the total number of volunteers working on the project. The volunteer must complete the *Release and Hold Harmless Agreement* (Appendix D).
- 4) Volunteer Group Enrollment – Often groups may volunteer in a civic capacity for the City (e.g., Rotary Clubs, Little League organizations, Scouts, etc.) for large scale or one-time events. Formal approval of individual volunteers may not be practical in these cases. A group enrollment form (Appendix E) may be used when registering the group with the City of Manchester. The form includes the name of the group, the name (s) and titles of the group leaders, the addresses and phone numbers of the group leaders, the names of the volunteers, the date and location of the volunteer activity and the number of hours worked. Further, it is advisable to secure a copy of the entity’s group insurance certificate, naming the City Of Manchester as an “additional insured “.

Occasionally, inmate work crews from the Hillsborough House of Correction are available to assist departments. The worksite location, the work assignment, the length of the project, the number of inmates participating and the name(s) of the work crew supervisor(s) must be approved prior to the inmate work crew performing any work. Inmates may not displace regular employees.

UNPAID STUDENT INTERN/TRAINEE

An unpaid student intern means a college or university student who chooses to intern at the City of Manchester without compensation. It may also mean a high school student whose program is registered with the NH Department of Labor in accordance with RSA 279:22-aa, High School and Post Secondary Students, Rule 805. An unpaid student intern/trainee performs services primarily for his or her own benefit, does not displace a regular employee, and is not entitled to a job. Student interns/trainees are considered volunteers and not City of Manchester employees. If an intern receives compensation for work performed, he/she is considered a temporary employee, whereby adherence to hiring policies and City ordinances apply.

For an individual to be considered an unpaid intern, criteria a. through f. must be met. If any of these conditions are not met, an employer-employee relationship exists, and the student intern should receive compensation.

- a. The training, even though it involves actual City operations, is similar to training which is given at an educational environment.

- b. Training is for the benefit of the student intern.
- c. The student intern does not displace regular employee, but works under close supervision.
- d. The department that provides the internship/training derives no immediate advantage for the unpaid intern/trainee's activities and, occasionally, its operations may actually be impeded.
- e. The student is not entitled to a job at the end of the internship/training.
- f. Both the student intern/trainee and the department understand that the student intern/trainee is not entitled to wages for the time spent in the internship.

Student Interns/trainees must meet the following requirements:

- a. The student must complete a *Volunteer Application* (Appendix A).
- b. The supervisor or department head must obtain one favorable reference.
- c. A criminal background check is required for each intern who works with youth, elderly or disabled individuals, or who is otherwise assigned to a sensitive position that involves access to or custody of cash, equipment, drugs or confidential information.
- d. A motor vehicle check and proof of a valid license is required if the duties involve driving a vehicle.*
- e. Once the unpaid student internship is approved, the student and Department Head sign the *Volunteer Waiver* (Appendix B). The form is to be returned to Human Resources before the internship begins. If the unpaid intern/trainee is under the age of 18, the form also must be signed by the parent or legal guardian.

*Student interns/trainees may receive mileage reimbursement only for City of Manchester activities that require the use of their own vehicles. Interns under the age of 18 are not allowed to use personal vehicles for City business.

Other City requirements:

- a. The unpaid student intern/trainee must meet with the supervising employee(s) and/or the department head to discuss expectations and reach agreement on the duration, work schedule, scope of work, supervision, evaluation and any and all other specific requirements of the school's internship program.
- b. The unpaid student intern/trainee must provide evidence from the school that they are receiving academic credit for interning with the City of Manchester.
- c. The supervisor must train the unpaid student intern/trainee in specific tasks, as well as in City policies, rules, regulations and safety procedures.

~Reminder~

**VOLUNTEER SERVICE ASSIGNMENTS AND/OR STUDENT INTERNSHIPS
MUST NOT REPLACE WORK PERFORMED BY A PAID EMPLOYEE OR
BARGAINING UNIT MEMBER.**