

Volunteers and Interns

PRIMEX³ RISK MANAGEMENT BULLETIN

Status

Volunteers are persons who perform work for a defined period of time without compensation in order to contribute. Interns are persons placed in a work setting for a defined period of time without compensation to gain educational enrichment. Neither role constitutes an employment relationship.



Primex³ Coverage

Neither role would enable the person in it to be covered by the public entity's workers compensation insurance (with the exception of the few special categories of public safety volunteers recognized as "employees" under RSA 281-A). Interns hosted by a public entity are not covered by the public entity's liability insurance. Volunteers, however, have coverage through the public entity for covered claims occurring within the scope and course of their official volunteer duties. Public entities hosting internships and utilizing volunteer services have liability coverage for covered claims that occur in the scope and course of administering and supervising these arrangements.

Department of Labor Compliance

Volunteers do not present a compliance concern if they are properly documented and treated as volunteers. Effective documentation and practices will protect against claims that a volunteer is actually an employee that should be made whole. Volunteers should generally be age 18 or older. Youth volunteers present special concerns because of youth labor laws, and should only be allowed to volunteer with written parental consent for a limited assignment that is safe, brief and not recurring. Youth volunteers should furnish "working papers" and the assignments should comply with youth labor laws. Youth volunteer scenarios, because they vary greatly and have significant legal implications, should be reviewed with your legal counsel.

Click the links below for more detailed information.

[Click here for Volunteer Best Practices \(NH State Library\)](#)

<https://www.nh.gov/labor/inspection/wage-hour/youth-employment.htm>

<https://www.nh.gov/labor/documents/child-labor-guide.pdf>

Interns, barring any regulatory exception, should only be accepted in conjunction with a Department of Labor (DOL) approved "school to work" program and if your agency has been approved as a host site:

<https://www.nh.gov/labor/inspection/school-to-work.htm> Interns, from the DOL perspective, can't be utilized as a source of labor; they are allowed in the workplace for educational enrichment as it relates to the workplace. Internship placements typically should involve an agreement between the school and the host relative to responsibilities and expectations, and should provide for written proof of parental consent in the case of minors. The host site should request documentation of parental consent and that the educational program is presently DOL approved.

- continued -

DOL compliance will turn on documentation and practices. DOL review would likely focus on whether a person was properly classified and managed in their role. Lack of documentation is of course construed against the entity.

SUMMER INTERNS!

Background Checks

County Commissioners may require any volunteer to submit to background check. RSA 28:10-c. In a Town Manager form of local government, a public entity may require volunteers who work with children, the elderly, public funds, or who enter citizens' homes, to undergo a background check. RSA 41:9-b. In schools, volunteers whose roles place them in proximity to children generally must receive a background check. RSA 189:13-a.

Some Best Practices

- Use an "Intern File" or "Volunteer" file in the person's name to hold documentation.
- Implement an efficient on-boarding process that includes application, agreement, background check when applicable, completion and review of necessary paperwork, review and distribution of applicable policies (behavioral and safety) and procedures, review of assignments, program or functions, introduction to supervisor(s) or mentor(s), training as needed, tour of relevant facility, etc.
- Use an agreement that establishes status, mutual expectations, authority, and responsibilities.
- Don't allow service or internship to begin until all paperwork is completed and on file.
- Keep track of hours and monitor activities to ensure that persons remain within roles.
- Review with relevant staff how to professionally interact with interns and/or volunteers, and keep an eye out to make sure the interaction proceeds smoothly.
- Review the person's file to ensure it contains information sufficient to establish the person's lawful role in the context of a DOL review.
- Prevent interns and volunteers (with the exception of specialized public safety volunteers recognized by RSA 281-A) from encountering any dangerous tasks, equipment or environments.
- Meet with intern or volunteer as practicable to ensure the experience is on track and consider having a brief exit discussion at the end of the arrangement to wrap-up.
- Document termination of the arrangement.

For more information, please contact your Primex³ Risk Management Consultant at 800-698-2364 or email RiskManagement@nhprimex.org.

Rev. 03/26/2024

Page 2 of 2