

Item No. 18

“To Be Delivered” Material

For

City of Sacramento

City Council

Financing Authority

Housing Authority

Redevelopment Agency

Agenda Packet

Submitted: March 13, 2009

For the Meeting of: Tuesday, March 17, 2009

The attached materials were not available at the time the Agenda Packet was prepared.

Title: **REVIEW OF CITY’S VOLUNTEER POLICY**

Contact Information: Eileen Teichert, City Attorney, 808-5346

 Gus Vina, Assistant City Manager, 808-7138

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REPORT TO COUNCIL

City of Sacramento

18

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

STAFF REPORT
March 17, 2009

Honorable Mayor and
Members of the City Council

Title: Review of City's Volunteer Policy

Location/Council District: Citywide

Recommendation: Review the City's current Volunteer Policy as established in API #41 and provide staff direction regarding necessary policy revisions.

Contact: Eileen Teichert, City Attorney
Gus Vina, Assistant City Manager

Presenters: Eileen Teichert, City Attorney
Gus Vina, Assistant City Manager

Department: City Attorney's Office and City Manager's Office

Division: N/A

Organization No: 09300

Description/Analysis

Issue: On January 27, 2009, Councilmember Sheedy directed the City Attorney and City Manager to report back to council on revisiting the City's existing Volunteer Policy as it does not adequately cover the volunteers in the Mayor and Council offices. Mayor Johnson expressed his support for having a strong volunteer policy and on February 2, delivered a letter to the City Manager and City Attorney calling for the City's volunteer policy to require conflict of interest disclosure and ethics training for high-level volunteers.

The City's existing Volunteer Policy, API #41, was created in August, 2004, to provide procedures for the use of volunteers in any City department or program. This report discusses the City's existing Volunteer Policy, outlines the existing policy coverage and provides a framework for discussion of other issues Councilmember Sheedy requested be addressed in the policy.

Policy Considerations: N/A

Environmental Considerations: N/A

California Environmental Quality Act (CEQA):

Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability Considerations: None

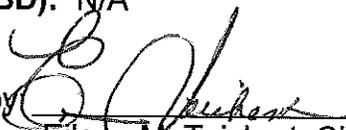
Commission/Committee Action: None

Rationale for Recommendation: Council to provide staff direction regarding any necessary policy revisions to the City's current Volunteer Policy as established in API #41.

Financial Considerations: There are no costs associated with this report.

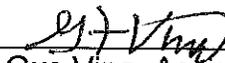
Emerging Small Business Development (ESBD): N/A

Respectfully Submitted by



Eileen M. Teichert, City Attorney

Respectfully Submitted by:



Gus Vina, Assistant City Manager

Recommendation Approved:



Ray Kerridge
City Manager

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Attachment 1

BACKGROUND

The City's Volunteer Program has been in place since FY 02/03 and operates under the direction of the Department of Human Resources, Support Services. The Volunteer Policy embodied in API #41 sets out the City's basic requirements for recruitment, selection, registration, training, supervision, reporting, program administration and evaluation of volunteers.

The Volunteer Policy requires departments to create a volunteer assignment description that includes tasks to be performed, number of hours requested and proposed schedule, necessary skills, required training to be provided, and anticipated duration of the assignment. A standard Volunteer Agreement is used under which the volunteer agrees to be subject to the City's worker's compensation plan.

A Volunteer Program Manual provides guidance to staff in overseeing volunteers. Volunteers' supervisors have latitude to request additional screening of volunteers beyond the application and interview process, including but not limited to background checks, fingerprints, and TB tests as well as requiring volunteers to complete Statements of Economic Interest (Form 700). Program requirements vary and standards are set by individual departments.

Supervisors may provide volunteers with access to the City's computer system and the volunteers must sign the Computer Usage Policy, API #30 which is included in the volunteer's orientation handbook. Supervisors may authorize issuance of identification badges to volunteers at their discretion. As with the practice with City employees, the volunteer badge can be limited in access to certain building areas.

Volunteer Statistics

In fiscal year 2007-2008 volunteers provided 322,281 hours of service valued at \$6,287,702. On average approximately 2,500 volunteers provide services to the City each month.

Between July 1, 2002 and February 9, 2009, the City's costs for volunteer's workers compensation claims were \$3,711.

The following chart details the hours of service provided by department:

<u>Department</u>	<u>Hours</u>
Convention Culture and Leisure	144,449 hours
Parks and Recreation	76,057 hours
Sacramento Fire	53,396 hours

General Services	32,625 hours
Sacramento Police	7,949 hours
Human Resources	4,481 hours
Mayor/Council	1,278 hours
Neighborhood Services	800 hours
Information Technology	550 hours
Transportation	255 hours
Utilities	158 hours
Development Services	138 hours
Planning	126 hours
Finance	19 hours

Policy Areas Possibly Needing Revision

Recently City volunteers began to include professionals performing duties that would otherwise be performed by City administrative staff or consultants. Councilmember Sheedy noted this and raised a number of concerns about gaps in the City's Volunteer Policy that do not address issues raised by these professional volunteers. Subsequently several Sacramento Bee editorials and opinion pieces have raised additional issues about the use of professional volunteers.

These professional volunteer issues include: 1) economic interest disclosure and disqualification obligations under the City's conflict of interest code; 2) communications and work product as public records; 3) attendance at meetings with and authority to direct City staff; 4) third party payments to volunteers to perform services; 5) competitive selection process; 6) duration of volunteers' terms; 7) accurate job description and duties in Volunteer Agreement; 8) ethics and other training; and 9) access to secured areas.

The following discusses how the City's Volunteer Policy currently addresses these issues and provides staff recommendation on addressing the professional volunteer issues:

1. Economic Interest Disclosure and Disqualification Obligations under City's Conflict of Interest Code.

- On February 24, 2009, the City Council adopted a new Conflict of Interest Code that now expressly includes volunteers. Under the new Conflict of Interest Code any volunteer who meets the criteria under the Political Reform Act for a "consultant" must file a Form 700 Statement of Economic Interest and is subject to disqualification from participation in decisions in which the volunteer has an economic interest.

- The City's Volunteer Policy gives a volunteer's supervisor discretion to require filing of a Form 700.

Recommendations:

- Staff recommends that the Volunteer Policy define "professional volunteer" to be consistent with the FPPC definition of "consultant".
- Staff recommends that the Volunteer Policy be amended to include the obligation of the professional volunteer's supervisor to ensure the volunteer's compliance with the Conflict of Interest Code.

2. Communications and Work Product as Public Records

- Emails, text messages, voicemails and other writings about City business often are created by professional volunteers on non-City equipment and property. The California Public Records Act is unclear whether such writings would be subject to public disclosure.

Recommendation:

- Staff recommends that the Volunteer Policy be amended to: 1) require professional volunteers to have and always use City email addresses when communicating about City business; and 2) expressly declare as City public records any writings of volunteers that would be City public records if they were writings of City employees or consultants.

3. Attendance at Meetings With and Authority to Direct Staff

- Professional volunteers have attended meetings where confidential City information was exchanged. . In addition, City employees have received direction from volunteers and are uncertain as to the volunteers' authority.

Recommendations:

- Staff recommends the Volunteer Policy be amended to state that volunteers may not attend meetings where confidential City information is exchanged.
- Staff further recommends that the Volunteer Policy indicate that volunteers do not have the authority to direct City employees.

4. Third Party Payments to Volunteers to Perform Services

- A proposal has been made to solicit public donations to the City to fund City volunteers. Also, questions have been raised whether the professional volunteers are receiving compensation from non-City sources to perform volunteer services for the City. Sources of such donations and compensation raise conflicts of interest issues.

- The City's Volunteer Policy is silent on this issue.

Recommendations:

- Staff recommends that policy state that the City not pay any compensation to volunteers but may pay for or reimburse parking fees.
- Staff also recommends that the policy prohibit use of professional volunteers who receive compensation from third parties to perform volunteer work for the City, unless the City Council has approved a written agreement between the third party and the City for such professional volunteer services.

5. Competitive Selection Process

- Some professional volunteers have commenced working for the City without a competitive selection process. Paid City consultants must engage in a competitive selection process if their compensation for services is more than \$100,000. This includes providing a written response to a request for proposals that details the scope of services to be performed, timelines for performance, necessary experience and expertise, insurance requirements, and references among other requirements.
- The Volunteer Policy outlines a recruitment and selection process and allows the supervisor to select those volunteers that most closely match the requirements for the duties needed.

Recommendation:

- Staff recommends no change to the current policy.

6. Duration of Volunteer Term

- The Volunteer Agreements signed by professional volunteers does not include a term of volunteer assignment.
- Volunteers currently serve at will and both the volunteer and the City are free to end the volunteer's service at any time. Some assignments may be for less than a day and others are on-going.

Recommendation:

- Staff recommends that professional volunteers have defined terms of service as part of their Volunteer Agreements.

7. Accurate Job Description and Duties in Volunteer Agreement

- Concern has been expressed about the need for a statement of a job title, a job description, job duties, and outcomes expected for professional volunteers.
- The Volunteer Policy requires a volunteer assignment description for each position which provides a job title, description of duties and other expectations.

Recommendation:

- Staff recommends the development of a more detailed volunteer assignment description form that can be customized to spell out more specifically the duties, roles and assignments for professional volunteers' unique skillsets.

8. Ethics and Other Training

- Professional volunteers could subject the City and themselves to liability for ethical violations, sexual harassment, and various torts such as negligence.
- The City's Volunteer Policy gives supervisors discretion in providing training to volunteers. Volunteers are provided with an Orientation Handbook which includes the City's policies regarding sexual harassment, workplace violence and other concerns.

Recommendation:

- Staff recommends that the policy require professional volunteers to receive conflict of interest information and training and a mandatory volunteer orientation by Department of Human Resources addressing these issues.

9. Access to Secured Areas

- Complaints have been made about professional volunteers' unescorted access to non-public elevators, and office areas.
- Volunteers are eligible for City ID badges as directed by their supervisors. These badges can allow volunteers into certain areas while restricting access to others.

Recommendation:

- Staff recommends the policy state that volunteers who are serving in locations where they need access to specified areas for their work receive City ID badges at the request of their supervisors and that such badges grant access only to those specified areas. The policy should require the approval of the City Manager or designee for access to secured areas.