

ADMINISTRATIVE PROCEDURES REGARDING VOLUNTEER BACKGROUND CHECKS

SECTION 1 – PURPOSE

To minimize liability and protect public safety by establishing guidelines under which volunteers serving municipal government are required to undergo background checks.

Section 2 – APPLICABILITY

- a. This policy shall not apply to elected officials, appointments of the Selectboard, pole workers, or event volunteers.
- b. This Policy shall apply to the following volunteer positions:
 1. Stowe Fire Department.
 2. Department of Emergency Medical Services (Stowe Rescue).
 3. Mountain Rescue.
 4. Stowe Library and Stowe Recreation volunteers.
 5. Others that may be determined by the Town Manager to help protect vulnerable populations and minimize municipal liability.

SECTION 3 – MOTOR VEHICLE BACKGROUND CHECKS

- a. For any volunteer position where driver's license is required or they desire to operate a motor vehicle owned by the municipality, the candidate shall complete a Vermont DMV Record Request and turn it over to the Town Manager's Executive Assistant to obtain a certified copy of the candidate's complete operating record prior to being appointed or promoted to the volunteer position requiring them to drive or being authorized to drive a municipal vehicle. (Attachment A)

The Town Manager may disqualify a person as an authorized driver under the following circumstances:

- Three (3) or more moving violations in a 36-month period.
- Driving under the influence of alcohol or drugs in the last three years.
- Hit and Run accident.
- Failure to report an accident.
- Operating a vehicle under a suspended or revoked license.
- Homicide, assault or a felony arising from the operation of a motor vehicle.
- Careless & Negligent driving violation in the last 3 years.
- As otherwise determined by the Town Manager after consultation with the Town's legal council and the Department Head.

- b. Any volunteer, who is appointed to a volunteer position where a driver's license is required or they otherwise operate a municipal vehicle, shall notify the Town Manager if any of the aforementioned motor vehicle violations occur. If so, the Town Manager may disqualify the person as an authorized driver.
- c. The Town, through the Town Manager, reserves the right to periodically check a volunteer's motor vehicle record and require any volunteer to complete a Vermont DMV Record Request. The Town Manager may disqualify a volunteer as an authorized driver at anytime under the criteria established in Section 5 a.

SECTION 4 – CRIMINAL BACKGROUND CHECKS

- a. Criminal Background Checks. Volunteers who are considered volunteers for IRS purposes shall sign the enclosed SSCI National Background Screening Consent/Release Form (Attachment B) and the enclosed Consent for Release of Registry Information Form from the Vermont Agency of Human Services (AHS). (Attachment C). These forms can be obtained from the Town Manager's Executive Assistant. In addition, all volunteers for Stowe Emergency Medical Services shall sign a Vermont Criminal Information Center Fingerprint Authorization Certificate. This will be obtained and signed off by the Chief of EMS.
- b. Results of Criminal Background checks: The Town Manager's Executive Assistant will process the SSCI and AHS background screening forms and receive the results. The EMS Chief will administer the VCIC background screening procedures and shall receive the results of the criminal record check. Upon receipt of a criminal record, or notification of the existence of a criminal record, the -Town Manager's Executive Assistant or the EMS Chief shall notify the Town Manager, who shall determine whether or not a candidate may serve as a volunteer.

Candidates may be disqualified from positions if they were ever convicted of any of the following:

1. Crimes against children
2. Felony conviction involving violence
3. Sexual offense
4. Crimes of moral turpitude
5. Crimes involving embezzlement and/or stealing
6. Other crimes that would make a candidate unsuitable for the position they have applied for, as determined by the Town Manager

The Town Manager shall notify the affected candidate that a disqualifying entry was reported on the background record check and present the report to the applicant. If the applicant believes a mistake has been made in their background

check, the applicant has the right to appeal the findings to VCIC. The Town of Stowe and its officers, employees and agents are not responsible for errors or omissions that may be reported in the background checks.

Criminal record and child abuse and neglect registry information sent to the Chief of EMS by VCIC by mail shall be opened and reviewed only by the Chief of EMS, the Town Manager, or his or her designee, who has a documented need to see the record. The Town shall not disseminate copies of criminal record or DCF registry information to any other person or entity. The Town Manager's Executive Assistant shall maintain all authorizations and records or reports in a confidential manner, and, as required by 20 V.S.A. 2056c, shall comply with all statutes, rules and policies relating to the release of criminal records and the protection of individual privacy.

SECTION 6 – OTHER BACKGROUND CHECKS

Verification of eligibility: Irregular employees who are considered volunteers for IRS purposes, shall verify the right to work in the United States, the Employment Eligibility Verification Form I-9 must be completed in the presence of the Benefits Coordinator (Attachment D).

SECTION 7 – MAINTENANCE OF INFORMATION

Maintenance of Information: Information will be maintained separate from any file accessible to the public or unauthorized personnel.

Information will be maintained during the time period of active volunteerism and for a minimum of three calendar years after they discontinue volunteering.

SECTION 8 – FALSIFICATION OF INFORMATION

The intentional falsification of, incomplete or misleading information during the process will result in automatic removal of the candidate from further consideration for a volunteer position. Volunteers may be terminated at anytime if it is determined that the applicant intentionally failed to fully disclose a criminal record or substantiated report of child abuse or neglect during the consideration of their candidacy.

SECTION 9 – REMOVAL / APPEAL RIGHTS

- a. All volunteers are at-will and may be dismissed by the Town Manager or a Department Head at any time without cause or the right of a formal appeal.