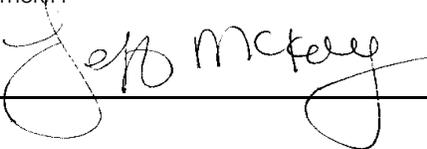


 Corrections and Community Supervision DIRECTIVE	TITLE Volunteer Services Program		NO. 4750
			DATE 07/21/2020
SUPERSEDES DIR # 4750 Dtd. 01/14/19	DISTRIBUTION A B	PAGES PAGE 1 OF 15	DATE LAST REVISED 08/19/2020
REFERENCES (Include but are not limited to) See Section III	APPROVING AUTHORITY 		

I. **PURPOSE:** This directive establishes Department of Corrections and Community Supervision (DOCCS) policies and procedures for the administration and supervision of the Volunteer Services Program.

II. **PROGRAM GOALS:** The Volunteer Services Program is designed to promote the involvement of responsible community persons in the continuum of services and programs made available to the incarcerated inmate and his or her family.

III. REFERENCES

- Penal Law §130.05
- Public Officers Law, Section 17
- Executive Order No. 6
- DOCCS Directives #2208B, #2216, #2601, #4027A, #4028A, #4065, #4322, #4403, #4423
- ACA Expected Practices
 - ACI: 4-4005, 4-4115, 4-4116, 4-4117, 4-4118, 4-4119, 4-4120, 4-4122, 4-4391, 4-4392, 4-4431, 4-4519
 - APA: 2-1058
 - 1-ABC: 1A-09, 1C-18, 1D-14, 1G-01, 1G-03, 1G-04, 1G-05, 1G-06, 1G-07, 1G-08, 1G-09, 4E-14, 4F-03, 5F-08
 - 2CO: 1B-11, 1G-01, 1G-02, 1G-03, 1G-04, 1G-05, 1G-06, 1G-07, 1G-08, 1G-09, 1G-10, 5E-01
 - 4-APPFS: 1C-04, 1C-05, 1C-06, 1C-07, 3A-02, 3A-12, 3D-16
 - 5-ACI: 1A-06, 1G-01, 1G-02, 1G-03, 1G-04, 1G-05, 1G-07, 6B-10, 6B-11, 5E-05, 7F-06
- Program Services Manual
- DOCCS Training Manual

IV. PROGRAM ADMINISTRATION AND SUPERVISION

- A. The Director of Ministerial, Family and Volunteer Services (MFVS) is responsible for the administration of the Statewide Volunteer Services Program.
- B. The Assistant Director of Family and Volunteer Services reports to the Director of Ministerial, Family and Volunteer Services, and is responsible for the day-to-day administration of Volunteer Services. The Assistant Director supervises the Regional Coordinators of Correctional Volunteers Services (RCCVS).

- C. RCCVS provides policy direction and serves as the liaison between Central Office and facility staff. They are program consultants to the Deputy Superintendents for Program Services (DSP), Supervisors of Correctional Facility Volunteer Services (SCFVS), facility staff, community groups, and organizations. RCCVS are responsible for the initial and ongoing training and education of the SCFVS in their assigned regions. They are also responsible for the review of Volunteer Services purchase requests and for monitoring the Volunteer Services Program in their regions.
- D. Facility Superintendents must review each new request for a volunteer, volunteer group, or volunteer program.
- E. DSPs are responsible for the overall management of their facility's Volunteer Services Program and for the activity of the individual assigned as the Volunteer Services Contact Person (VSCP), as well as the Volunteer Staff Supervisors (VSS) who supervise volunteer programs. They assist the SCFVS in identifying Volunteer Services' needs and assure that all required Volunteer Services' reports are submitted in a timely manner. With the SCFVS, they review all applicants and ensure that all volunteers are properly registered. The DSPs are also responsible for ensuring that a current and complete list of active volunteers and volunteer programs is maintained at their facility.

NOTE: The DSP, at a facility where an SCFVS is based, is responsible for the day-to-day supervision of that SCFVS, together with the RCCVS, as well as ensuring that the SCFVS provides adequate, scheduled service to their assigned facilities.

- F. The SCFVS, under the direction of an RCCVS and a DSP, recruits and orients community persons and staff to work as volunteers in a correctional setting. SCFVS are required to maintain an up-to-date Microsoft Access Database of all registered volunteers in their region; the Director of MFVS will determine the minimum data required. They are also responsible for the completion of the annual "Volunteer Services Program Evaluation," [Form #MFVS3085](#), for all regular ongoing programs at each of their assigned facilities, and for promoting effective relations between volunteers and staff. SCFVS are responsible for training and support of the facility VSCP. They may assist in community/public relations, if so designated by their Superintendent.
- G. The VSCP, appointed by the Superintendent, will be responsible for the coordination of the Volunteer Services Program at each facility. Tasks will include, but not necessarily be limited to: the maintenance, care, and security of volunteer files; the processing of applications; the preparation of Volunteer Services' gate clearances; and the statistical gathering for monthly reports that will need to be reviewed and approved by the DSP. For purposes of supervision, they will report to the DSP and a SCFVS. Their annual performance evaluation should reflect their additional duties as the facility VSCP, with input provided by the SCFVS.
- H. VSSs are responsible for conducting screening interviews, using [Form #MFVS3082](#), "Report of Interview of Volunteer Applicant," with potential volunteers who apply to provide a service in their respective program area. They are also responsible for the training and direct supervision of these volunteers. They should not supervise more than 40 volunteers.

V. TYPES OF VOLUNTEERS

- A. Volunteer: A volunteer is a person who is authorized to provide a service to the Department or its inmates without direct compensation from the Department.
- B. A volunteer is required to comply with the rules, regulations, and guidelines required of Department employees and its volunteers. The Department makes no representations to volunteers about the applicability of either Workers' Compensation benefits or representation and indemnification under the Public Officers Law.

Inquiries should be directed to either the Workers' Compensation Board Bureau of Compliance or to the Office of the Attorney General. A volunteer is subject to all of the policies and procedures as referenced in Section X of this directive and in [Form #4750C](#), "Standards of Conduct for Volunteers Within the New York State Department of Corrections and Community Supervision." Volunteers are expected to support the Departmental Mission and are not to portray the Department in a negative fashion.

1. **Paid Professional**: This category of volunteer often represents his or her employer and provides a service to the Department. These individuals, though paid by their employer to provide the service, are defined as volunteers and registration, orientation, and TB testing requirements are the same as for regular ongoing volunteers.
2. Volunteers providing professional services will be required to provide documentation that they are certified, licensed, and/or otherwise qualified to provide the service for which they are applying.

Department Personnel: Department personnel may provide a volunteer service if that service is clearly different from their paid work assignment and has been approved by the Superintendent and the DSP at the facility where the employee works.

NOTE: Former employees who have been terminated, or who have resigned or retired rather than face dismissal, will not be allowed to volunteer.

3. **Foreign National**: A foreign national will be considered for volunteer programs provided they can produce valid identification and documentation that they are in this country legally.
4. **Religious Volunteer and Spiritual Advisor**: All volunteers requesting involvement in religious programs must be reviewed and approved by the Coordinating Chaplain and appropriate Chaplain of the faith group involved, if one is assigned to the facility. As outlined in Section IV-H, the appropriate Chaplain must also conduct a screening interview with the prospective volunteer and document this interview, which will be placed in the volunteer's file. If the volunteer represents a religious organization from the community but is to be assigned to a non-religious assignment, approval by the facility Coordinating Chaplain and appropriate Chaplain of the faith group is not required. Volunteers representing religious organizations must be advised not to proselytize (attempt to persuade someone to convert to one's faith) among inmates.

A Spiritual Advisor is an individual who, with the written endorsement of a bona fide ecclesiastical body, has been identified as a religious volunteer capable of providing spiritual advice and direction to inmates of that particular faith group on an individual basis.

Spiritual Advisors who have obtained volunteer status approval from the Department must request an exemption from the prohibition concerning visitation, correspondence, and phone calls from inmates as outlined in Section V-D-4-b of this directive. In addition, the following procedures must be followed:

- a. Provide documentation to the Coordinating Chaplain stating that a pastoral relationship with the inmate(s) existed prior to incarceration;
- b. Provide written endorsement from a bona fide ecclesiastical body identifying the volunteer as a cleric or lay person who can function in this capacity; and
- c. Provide the Coordinating Chaplain with a written description of the volunteer's activities in the role of Spiritual Advisor, including a list of the names of inmates who will meet with the volunteer. This description must be reviewed by the Chaplain in charge of the faith group involved.

It shall be the responsibility of the Coordinating Chaplain to obtain these documents prior to commencement of an inmate-Spiritual Advisor relationship and maintain said documents for the duration of said service.

5. Persons with Criminal History: Volunteer applicants with an arrest and/or conviction history shall not be automatically disqualified to serve. Each applicant shall be evaluated on a case-by-case basis. As a rule, the following will apply:
 - a. Prospective volunteers with unclear arrest dispositions, active warrants, detainers, or Orders of Protection that are found through their criminal history check may be excluded from volunteering until such incidents are resolved;
 - b. A formerly incarcerated person or parolee may be considered for a volunteer assignment in a facility one year following his or her release from incarceration;
 - c. A formerly incarcerated person shall not be considered as a volunteer if he or she was prosecuted and found guilty, in a court of law, of assault of correctional staff, aggravated harassment of an employee, attempted escape from a correctional facility, promoting or possessing prison contraband, hostage incident, or rioting;
 - d. A formerly incarcerated person's record of institutional adjustment and, if applicable, adjustment to probation or parole supervision, will be evaluated and considered prior to approval. Disciplinary sanctions similar to behavior actions listed in Section V-B-5-c, or in addition, being found guilty of behavior such as assault on inmates, gang-related behavior, mass demonstration or radicalization of other inmates, sexual misconduct, etc., may exclude an individual from consideration;
 - e. During the period after release, the formerly incarcerated person shall have demonstrated involvement in community activities related to the area in which he or she wishes to serve as a volunteer.

The person will also be required to show a positive adjustment to community life by providing employment history and a recommendation by his or her Probation/Parole Officer, if applicable; and

- f. Prospective volunteers with open charges will not be considered as volunteers until official documentation detailing the final disposition of the charges is submitted.

A review by the SCFVS and the facility DSP will be conducted on all formerly incarcerated persons, parolees, probationers, and persons with warrants, detainers, and Orders of Protection, who apply as volunteers. Final approval will rest with the facility Superintendent. Exception to this policy will be given consideration only when substantial, written justification is submitted to the Superintendent or designee.

6. Regular Ongoing Volunteer: Individuals who provide a service more than six times per year, including a variety of activities and events. These volunteers may come from a variety of organizations such as community-based, faith-based, not-for-profit, or civic groups, educational institutions, and the general community.
7. One-Time Volunteer: Individuals who provide a service for special one-time activities, including but not limited to inmate organization events, family day events, sports activities, theatrical performances, graduations, religious observances, etc., are to be registered as one-time volunteers.

NOTE: One-time refers to only one time in any NYS DOCCS facility (see [Form #4750B](#), "Volunteer Registration Process Chart," for requirements).

[Form #MFVS3080A](#), "Application for One-Time Volunteer Status," must be utilized for one-time volunteers. Subsequent service to a NYS DOCCS facility must be processed as either an occasional or a regular ongoing volunteer utilizing [Form #MFVS3080](#), "Application for Volunteer Status."

8. Occasional Volunteer: Individuals who provide services periodically (six times or fewer per year in a combination of facilities) for Choir/Theatrical Performances, Sports Teams, Resource Fairs, Academic Guest Lecturers, and one-day attendance (eight hours or fewer) at Religious Events (see [Form #4750B](#) for requirements). Approvals for other groups may be obtained by contacting the appropriate RCCVS.
- C. Volunteer Groups: Individuals who enter a facility as part of a community group must individually complete the registration process, unless verification is received that the individual has been registered at another DOCCS facility within the past 12 months.
1. All volunteer groups or organizations must have a Key Volunteer who acts as the designated contact, and the name of this person will be provided to the SCFVS.
 2. The Key Volunteer shall assist staff in the screening and selection of volunteers who will provide services under the organization's auspices by completing a letter of endorsement for each new regular ongoing volunteer. This letter is to be done on the agency's letterhead and should follow the format provided on [Form #4750A](#), "Volunteer Endorsement Letter." The Superintendent or designee shall have final approval for all volunteers.

3. Any literature or other materials sponsored by the group or organization must be approved in advance by the DSP or designee before distribution to inmates. Material approvals will be subject to a determination of appropriateness. Once the DSP has approved the materials, they should be placed on the gate clearance.
4. Some community groups celebrate special events with food and beverage; however, in the correctional setting, volunteers and staff are prohibited from bringing in food and beverage items, except for their personal consumption during the time they are in the facility. On occasion, the DSP will review and approve a request for a special event (i.e., Kairos Retreat, Residents Encounter Christ (REC), graduations) and if approved, items will be ordered from the Statewide menu.

D. Volunteer Requirements

1. Under normal circumstances, the minimum age for a volunteer is 21.
 - a. Exceptions can be made with special approval from the Superintendent for persons ages 17-20 for special one-time programs, as described in Section V-B-7, or for participants in internship programs or youth employment programs. With regard to internships, all colleges must provide internship paperwork and description of activities. All volunteer interns must be registered through the New York Student Internship Leaders Portal at: nysinternships.cs.ny.gov.
 - b. Volunteers who are 17 or 18 years of age must provide written permission from their parent or legal guardian.
 - c. If approved, volunteers under the age of 21 must be under direct supervision of DOCCS staff or other NYS Agency staff working full time in the facility, at all times while inside the facility, with approval from the Superintendent.
2. All volunteers providing professional services will require additional screening to ensure that they are certified, licensed, and/or otherwise qualified to provide such services.
3. A volunteer may be turned away from the facility if their manner of dress or appearance causes security or other pertinent concerns. Volunteers must adhere to the dress code outlined in Directive #4403, "Inmate Visitor Program." If turned away for one's dress or appearance, this action should be documented for inclusion in the volunteer's file. Regarding grooming, a male volunteer shall not be subject to the same restrictions on hair length or beards as Department employees.
4. Restrictions: During orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with inmates. This will include visiting, corresponding (including secure messaging (email) and packages) and accepting phone calls. In order to avoid any misunderstanding, the following guidelines must be strictly observed:
 - a. Volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an inmate. DOCCS has a zero-tolerance policy for sexual abuse. It is a crime for any employee to engage in sexual conduct or sexual contact with an inmate. For purposes of Penal Law §130.05, an employee also includes any person providing direct services to inmates in a State correctional facility pursuant to a contractual arrangement with the Department or, in the case of a volunteer, a written agreement with the Department.

All volunteer applicants must read the most updated version of the Policy on the Prevention of Sexual Abuse of Inmates. All volunteers are to be provided with training on Directives #4027A, "Sexual Abuse Prevention & Intervention - Inmate-on-Inmate," and #4028A, "Sexual Abuse Prevention & Intervention - Staff-on-Inmate/Staff-on-Parolee." All volunteer applicants must acknowledge receipt in writing that they will be held accountable for and act in accordance with the policy and the law. All volunteer applicants must acknowledge that they understand the Department's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents under DOCCS' sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

- b. Volunteers are prohibited from corresponding with (including secure messaging (email) and packages), visiting with, or accepting telephone calls from inmates at any DOCCS facility unless they receive permission. If a volunteer wishes to seek approval, the volunteer must submit the request and rationale, in writing, to the Superintendent at the facility where he or she is a volunteer. The SCFVS must review all requests with the RCCVS who may in turn consult with the AD FVS and/or the Director MFVS. The Superintendent is authorized to deny such requests. The denial must be sent, in writing, to the volunteer and a copy sent to the Director of MFVS. The letter must state that the volunteer may appeal, in writing, to the Deputy Commissioner for Program Services within 30 days of receipt of the letter. The Deputy Commissioner for Program Services will then issue a final determination to the volunteer within 30 days of receipt of the appeal.

If the Superintendent supports the request, it must be forwarded to the Director of MFVS for recommendation; after which, it will be forwarded to the Deputy Commissioner for Program Services for final determination.

Prospective volunteers must be asked to disclose whether or not they have any close friends or family members who are incarcerated within the State correctional system at the time of their application/screening.

- c. Exceptions: Volunteers may accept collect phone calls at their agency/group administrative office if they have prior authorization from the Deputy Commissioner for Program Services and if the organization's policy is to accept collect phone calls from inmates. Volunteers may not accept phone calls on their cell phones or at their place of residence. At all times, the nature of the calls must be directly related to areas of service provided by the volunteer agency/group for the Department and calls may not be of a personal nature. The volunteer agency/group authorization must be so noted in the appropriate program description file. Volunteers are to be advised that all inmate telephone conversations are subject to electronic monitoring by Department personnel (see Directive #4423, "Inmate Telephone Calls").
- d. Volunteers are required to notify the SCFVS if they know and/or recognize any inmate incarcerated at any of NYS DOCCS' facilities.

VI. PROCEDURES

- A. Volunteer Program Development: Prior to a new regular ongoing or occasional volunteer program being initiated or changed at any facility, a Program Proposal must be submitted and approved. The most current Program Proposal form can be accessed through the DOCCS Training Folder.
- B. Job Descriptions: A volunteer job description is to be developed before the volunteer begins work. The job description must be developed by the appropriate VSS, and should include the following:
1. A general description of the duties that the volunteer will perform;
 2. Meaningful, appropriate, and measurable work activities;
 3. Location of the activity and frequency;
 4. Name of the VSS; and
 5. Name of the program's Key Volunteer.

Volunteer job descriptions shall be signed and agreed upon by the volunteer and the VSS, and a signed copy of the job description shall be on file in the Volunteer Services Office. Volunteers may only serve in the job as described in the file description. Any volunteer who wishes to serve in another job must be approved as described above.

- C. Registration Procedures: Depending on the level of volunteer services provided, the volunteer applicant will complete a registration process that may consist of a volunteer application, Standards of Conduct and All Applicable Policies, a criminal history check, fingerprinting, references, a screening interview, TB test, and ID card. Refer to [Form #4750B](#), which defines the registration procedures required for the level of volunteer activity.
1. Application for Volunteer Status
 - a. All volunteer applicants will complete a registration process that will consist of [Form #MFVS3080](#), Part I, "Volunteer Information," and if applicable, Part II, "Criminal History" (see exceptions for government employees with Peace or Police Officer Status on [Form #4750B](#)), as well as a review and acknowledgement of [Form #4750C](#) and all applicable policies. Volunteers providing professional services should also attach documentation verifying that they are certified or qualified to do so.

NOTE: If an applicant indicates that they have charges currently pending, the application process should be suspended until such time as a disposition of the charges is reached.

Section I and II of [Form #MFVS3080](#) must be scanned and filed electronically in a folder with the volunteer's name and facility, created and saved in the shared drive (e.g., Doe, John – Fishkill CF). Then, utilizing the information provided by the volunteer, enter the information into the following link: <http://criminalhistoryrequest/>. When the Criminal History Check Detail, Criminal History Response, and if applicable, Prospective are received, a copy must be filed in the volunteer's electronic folder.

- b. Part III, "Facility Executive Review," of [Form #MFVS3080](#) will be completed by staff and approvals will be obtained from the Superintendent, DSP, and Deputy Superintendent for Security (DSS) prior to the volunteer beginning their service.
 - c. Part IV, "Acknowledgement of Orientation," of [Form #MFVS3080](#) will be reviewed for completeness, acknowledged, and signed by the volunteer and SCFVS who conducted the volunteer orientation.
2. Screening Interview: Upon receipt of a volunteer application, prospective volunteers who wish to serve on more than an occasional basis will be screened through an interview process by the appropriate VSS. [Form #MFVS3082](#) will be used as a guide and will be completed during the interview, and a copy shall be placed in the volunteer's file as a reference in approving or disapproving the prospective volunteer's application.
 3. Criminal History
 - a. A criminal history check will be completed by the Department's Employee Investigation Unit (EIU) on volunteer applicants, including regular ongoing, occasional, and one-time volunteers (see exceptions on [Form #4750B](#)). This process will begin when EIU receives the criminal history request.
 - b. For regular ongoing volunteers, fingerprints will be taken by the facility ID Officer as outlined in Directive #2216, "Fingerprinting/Criminal History Inquiry – New Employees and Contractors."

The completed fingerprint cards will then be forwarded to EIU for processing. The following address is to be utilized:

NYS DOCCS Employee Investigation Unit
State Office Campus
1220 Washington Avenue
Albany, NY 12226

If fingerprints are rejected for any reason, the SCFVS will be notified.

- c. Applicants for regular ongoing status with derogatory information reported on the EIU criminal history check must wait for the return of their fingerprint report and Superintendent's approval before beginning their volunteer service.

The RCCVS receives criminal history background information on each volunteer whenever derogatory information is noted. Occasionally these documents reveal no convictions, active warrants, detainers, orders of protection, open cases, unclear arrest dispositions or other information that would disqualify the individual. In these cases, the RCCVS will provide documentation to the SCFVS indicating that there are no convictions to report and that they may proceed with registration process without waiting for the fingerprint results.

Those persons with no derogatory information may begin their volunteer assignment before their fingerprint report is returned.

One-time and occasional applicants with derogatory information will not require fingerprints. EIU checks must be updated on an annual basis.

NOTE: If the criminal history and/or fingerprint reports show a discrepancy in what the volunteer has disclosed, this may result in the volunteer's non-approval, suspension, and/or termination.

- d. EIU must receive the completed fingerprint card within 30 days of conducting a criminal history check. If the fingerprint card is not received within this timeframe, EIU will notify the Director of Ministerial, Family and Volunteer Services on a monthly basis and volunteer assignments may be suspended until the fingerprint card is received.
4. Health Services Screening/Vaccinations
- a. TB Testing: Facilities must strictly adhere to the Department's Division of Health Services guidelines for TB testing for volunteers, as follows:
 - (1) Any volunteer who will be in any facility once per month or more, and/or have eight hours or more of continuous inmate/staff contact, must be skin tested;
 - (2) Any volunteer who wishes to be skin tested may be tested;
 - (3) Arrangements for skin testing of volunteers will be made through the facility medical department and/or the facility Volunteer Services Contact Person; and
 - (4) Volunteers may be tested by their own physicians, if they desire, just as employees may, according to Directive #4322, "Tuberculosis Control Program."
 - b. Hepatitis B Vaccine: Anyone who would have reasonable likelihood of exposure to blood or body fluids would be eligible for the vaccine. All persons receiving the vaccine must have bloodborne pathogens training through the facility where they are volunteering before starting the vaccine series of three injections.
5. All volunteer gate clearances should be submitted in a timely manner to allow sufficient time for the DSP, SCFVS, or the VSCP to verify that the individuals are properly registered volunteers.
6. Emergency contact information for each volunteer shall be kept on file in the Watch Commander's Office.

D. Volunteer Orientation

If approved, the regular ongoing volunteer will be scheduled to attend a volunteer orientation conducted by the facility SCFVS and a member of the security staff. This orientation will cover the "Standards of Conduct for Volunteers," [Form #4750C](#), all applicable policies, benefits for volunteers, security issues, health-related issues, and facility-specific information prior to the beginning of the volunteer activity.

For occasional, one-time, or government agency volunteers who have Peace or Police Officer status, the orientation will be appropriate to the level of services provided and can be conducted by the DOCCS staff member supervising the event. Facilities will ensure that all regular ongoing volunteers participate in a refresher orientation every 24 months.

E. Training

1. Job-specific training for the volunteer activity will be given by the volunteer's VSS and may or may not include a tour of the facility grounds.
2. Volunteers will be required to attend periodic in-service training consistent with their level of inmate contact. Those identified by the SCFVS as providing services more than nine hours per week will be required to attend trainings offered by the Department. Specific training requirements will be determined by the Director of Ministerial, Family and Volunteer Services after consultation with the Director of the Training Academy (see [Form #4750D](#), "Required Training for Various Categories of Volunteers").
3. All non-Departmental and contracted employees that are assigned to work within DOCCS facilities must adhere to the guidelines outlined in the NYS DOCCS Training Manual, Subject 7.150. This policy requires that contracted volunteers complete a standardized 16-hour orientation prior to beginning their service. This orientation is in addition to the volunteer orientation provided by the SCFVS.

VII. PROGRAM MONITORING AND EVALUATION

- A. Supervising, monitoring, evaluating, and reporting on volunteers and volunteer programs is a joint effort among VSSs, the facility VSCPS, and the SCFVS, with oversight provided by the DSP and the RCCVS.
1. The DSP, with final approval of the Superintendent, will determine the VSS for a program.
 2. Program Proposals will be sent to the appropriate Central Office Division Director, by the Superintendent or designee, for each new program. The DSP will ensure that a file is maintained that includes up-to-date Program Proposals for all regular and occasional volunteer programs, a current list of volunteers, and the names of the Key Volunteers and VSSs. The SCFVS will assist the DSP in maintaining this information.
 3. Annual Program Evaluations, using [Form #MFVS3085](#), will be completed by the facility SCFVS, with copies sent to the facility DSP and RCCVS. The Annual Program Evaluation affords a necessary tool for evaluating the effectiveness of a program as well as providing a provision for volunteers to contribute suggestion regarding the establishment of policy and procedure for the volunteer services program.
- B. Staff must be aware of their responsibility to supervise volunteers and the programs that are assigned/accepted in their area, and that they must provide the facility Office of Volunteer Services with statistical data on volunteers involved in the program/service.
- C. The decision regarding which facility staff person will have responsibility for supervising a volunteer or volunteer program rests with the facility Superintendent or designee.

- D. During periods of facility emergencies, volunteer activity may be suspended or limited. It will be the responsibility of the DSP to ensure that volunteers are notified in a timely manner of any change in the program schedule to avoid any unnecessary travel of the volunteers.
- E. To ensure that Volunteer Services programs meet the needs of the inmates and facilities, each program will be evaluated on an annual basis by the facility SCFVS, utilizing [Form #MFVS3085](#). A copy of this evaluation must be made available to the facility DSP and to the RCCVS.

VIII. STATUS OF VOLUNTEERS: Volunteers should be made to feel that they are a part of the facility staff and should be treated with courtesy and respect. Any allegations of the mistreatment of volunteers should be reported immediately through the appropriate channels. Staff encouragement and acceptance of volunteers will help to keep the volunteers motivated, and productive, and will nurture a teamwork mentality. Vital to any volunteer program is the recognition of the contribution, achievements, and the status of the volunteer as a quasi-staff person.

As set forth in Section V, the Department recognizes and registers different types of volunteers. A volunteer who provides service to the Department without receiving compensation from any source is, by law, entitled to the benefits set forth in Sections VIII-A-1 and VIII-A-2 below. All volunteers are to be treated the same with respect to Section VIII-A-3. Those registered as volunteers who receive compensation for their service from some source should direct inquiries regarding Workers' Compensation Law benefits to the Workers' Compensation Board, Bureau of Compliance, and inquiries concerning defense and indemnification to the Office of the Attorney General.

A. Insurance Coverage/Indemnification

1. Workers' Compensation for Volunteers

- a. All volunteers who are registered, oriented, screened for TB, and approved as a volunteer by the facility Superintendent are covered for injuries related to their volunteer work by Workers' Compensation Benefits.

Staff who are supervising volunteers, must report and injuries to volunteers, in accordance with Directive #4065, "Reporting Injuries and Occupational Illnesses," and Directive #2208B, "Workers' Compensation Benefits (Non-Uniformed Employees)."

- b. It should be noted that a volunteer who has been fully registered and approved is eligible for Workers' Compensation, whether the service is performed in the community or in a correctional facility. Contract volunteers who receive an hourly rate for their work will be covered by the contract agency. The job description must indicate the location, within the facility, where the services are to be provided.

2. Indemnification Coverage for Volunteers

- a. DOCCS volunteers have been afforded protection from financial loss arising out of a civil action.

- b. The law provides that the State would save harmless and indemnify volunteers of the Department from financial loss arising out of a judgment in any civil action by reason of a claim of alleged negligence or other act of such person participating in a Volunteer Services program, provided that the damages were sustained while such person was acting in the discharge of his or her duties and within the scope of such duties, and the claim did not result from the willful and wrongful act or gross negligence of such person (Public Officers Law, Section 17).
 - c. The law applies to volunteers authorized to participate in a Volunteer Services program, provided such volunteer gives notice of such claim upon himself or herself within five days of service of such claim upon himself or herself (Public Officers Law, Section 17). Individuals who have insurance policies that would cover them for claims arising pursuant to the volunteer programs must first use such policies before the State will defend and/or indemnify them.
3. Diversity Management: All volunteers who are registered and approved are afforded equal opportunity protection in accordance with Directive #2601, "Equal Employment Opportunity and Diversity & Inclusion Program," based on NYS Executive Order No. 6.
- B. Volunteer and Volunteer Staff Supervisor Recognition: Certificates of Appreciation will be awarded to volunteers at an annual recognition ceremony, or at some other suitable occasion. VSSs will also be recognized because their work with volunteers often exceeds their normal full-time duties. Employee evaluations shall reflect this extra effort.
- C. Meals: Volunteers who provide service in a facility and whose volunteer assignment extends over an established meal period or is a minimum of four hours of continuous service may be furnished a meal from the facility Mess Hall. The free meal shall be the same as that provided to the inmate population. Volunteers, with permission from the Superintendent or designee, may be allowed to bring food (i.e., dietary needs/restrictions) for their own consumption.

IX. VOLUNTEER MISCONDUCT

- A. During volunteer orientation, volunteers must be informed that a formal suspension/dismissal procedure exists and what constitutes grounds for suspension and/or dismissal. Grounds for suspension/dismissal of volunteers are usually based on a violation of the "Standards of Conduct for Volunteers," [Form #4750C](#), and all applicable policies, and the nature of such a violation.

For other instances of misconduct, volunteers will receive counseling by the SCFVS. This counseling session/meeting will be documented by the SCFVS, signed by all parties present, and a copy will be placed in the volunteer's file. This documentation should include all pertinent information regarding the matter, and should also include information relative to the outcome of the meeting. A copy of this information shall be forwarded to the appropriate RCCVS.

If suspension/dismissal is necessary, the process to be used is set forth below. It is mandatory that proper documentation be available if dismissal is contemplated.

B. Procedure for Suspension/Dismissal

1. Should anyone have a sound reason to question a volunteer's actions, the witnessing party shall report, in writing, all relevant information to the facility SCFVS. A written report will be prepared by the SCFVS and submitted to the facility Superintendent or designee for review and action. Such action may consist of limiting, postponing, or suspending the services of the volunteer. The SCFVS will be consulted during this review. A determination may be made by the facility Superintendent and/or the Director of Ministerial, Family and Volunteer Services to consult with and/or include the Department's Office of Special Investigations depending on the nature of the violation. Only the Superintendent or Acting Superintendent has the authority to suspend a volunteer.
2. A volunteer who has been suspended must be notified, in writing, by the facility Superintendent within five days. This letter must inform the volunteer of the allegations, the date of the temporary suspension, and that volunteer activity in all facilities has been suspended pending an investigation. If the volunteer is scheduled to volunteer during the week of the suspension, the SCFVS must call the volunteer to notify them of the suspension, so as to avoid the volunteer arriving at the facility.
3. A copy of the suspension letter, as well as documentation regarding the violation, and a copy of the volunteer's file will be forwarded to the appropriate RCCVS, who will review the contents for completeness and then review the case with the Assistant Director of Family and Volunteer Services.
4. The RCCVS will discuss the case with the facility Superintendent, who must approve of the final disposition. If there is not a consensus on the final disposition, the Superintendent will consult with the Supervising Superintendent and the Director of Ministerial, Family and Volunteer Services.
5. If the severity of the volunteer's violation warrants Statewide termination, the RCCVS will recommend to the Assistant Director that the volunteer's activity in all DOCCS facilities be terminated. Final decision rests with the Deputy Commissioner for Program Services.
6. The volunteer must receive written notification of the decision directly from the RCCVS. Copies of all relevant paperwork must be forwarded to the Office of Ministerial, Family and Volunteer Services in Central Office.
7. The letter must state that the volunteer may appeal, in writing, to the Deputy Commissioner for Program Services within 30 days of receipt of the letter. The Deputy Commissioner for Program Services will then issue a final determination to the volunteer within 30 days of receipt of the appeal.

X. STANDARDS OF CONDUCT FOR VOLUNTEERS AND APPLICABLE POLICIES: The Standards of Conduct for Volunteers are subject to change by the Deputy Commissioner for Program Services. It will be the facility's responsibility to ensure that all active volunteers have been oriented to the new standards, and to ensure that they are followed.

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- A. Standards of Conduct for Volunteers and All Applicable Policies: The “Standards of Conduct for Volunteers,” [Form #4750C](#), and all applicable policies will be used by all facilities. Standards and policies must be given as part of the orientation of all volunteers and will be presented by staff in a positive manner. Each standard should be explained and clarified so that the volunteer will understand what constitutes good security practices relative to contraband and appropriate type of behavior.
- B. Documentation: The volunteer will acknowledge, in writing, that he or she has in fact been presented with the following policies, understands them, and intends to comply. The signed [Form #MFVS3087](#), “Acknowledgement of ‘Standards of Conduct for Volunteers’ and All Applicable Policies,” must be maintained in the volunteer’s file.
1. [Form #4750C](#), “Standards of Conduct for Volunteers”;
 2. Policy on the Prevention of Sexual Abuse of Inmates and copies of Directives #4027A and #4028A;
 3. Policy Statement on Sexual Harassment in the Workplace;
 4. Non-Discrimination in Employment Based on Sexual Orientation and Gender Identity;
 5. Writing Letters of Recommendation for Inmates;
 6. Language Access;
 7. Suicide Prevention Memorandum;
 8. Wrist Watches/Devices Memorandum;
 9. Contraband – Smartglasses Memorandum; and
 10. List of Allowable Items.
- C. New Policies: Volunteers will be informed of new relevant policies that are issued and if requested, provide written acknowledgement of said policy.