

# Employee & Volunteer Background Checks

## Common Pitfall

Volunteer-driven-organizations often mistakenly view injury to volunteers as their largest risk. In fact, the single largest risk that the clinic faces is liability caused by the actions of their staff or volunteers. Whether it be physical abuse or liability caused by illegal actions, nonprofit organizations can be held responsible for the actions of the staff and volunteers they appoint.

Having liability insurance minimizes risk when it is associated with accidents caused by staff or volunteers, BUT NOT liabilities caused from a volunteer's intentional actions.

The Board and executive staff of the clinic are responsible for reasonably foreseeing and addressing risks that may be caused by the volunteers that they appoint. Since your clinic has control of its volunteer staff, it can be held accountable for the actions of its volunteer force. Such efforts may be centralized in your Risk Management policies.

In today's security-conscious climate, organizations are faced with the challenge of successfully accomplishing their mission in helping as many patients as possible, while maintaining rigorous volunteer screening practices (without alienating dedicated privacy-conscious volunteers).

Some organizations are afraid that background screening will scare away potential volunteers. Fortunately, many successful programs have demonstrated that comprehensive screening can be easily implemented. Most candidates will understand the reason for this process when you explain your organization's concern for member and patient protection.

Though most people seek to make a positive contribution with volunteer service, it is imperative that nonprofit organizations take the time to research the history of every prospective employee and volunteer. This heads off the potential for criminal

acts against children and other vulnerable populations that your organization serves.

How do nonprofit organizations screen volunteers?

There are several options. The choices depend largely on:

- The volunteer job involved
- The organization's policy as to what information is necessary to "clear" the candidate
- The organization's capacity to carry out uniform screenings

Almost certainly, a volunteer background check will include a criminal history check.

To find out whether an applicant or volunteer has a criminal past, a nonprofit organization may have direct access to state and federal criminal history repositories. Organizations may also employ professional background screening companies. Many commercial companies that perform employee screening have established programs specifically for nonprofit organizations seeking to check volunteers.

There is, in addition, a great deal of personal information available through the Internet:

- Sex offender registries are readily available
- Some jurisdictions make criminal and civil court records available through the court's web site

What is the best way to screen volunteers?

There is no 100% guarantee that any background screening will be universally successful in identifying those who are inappropriate for a role at the clinic. Indeed, some would argue that screening is unnecessary and creates a false sense of security. Still, volunteer screening, particularly for work with vulnerable populations, is firmly entrenched and expected to grow. The primary methods for screening volunteers are checks through state and federal criminal records

repositories and commercial background screening. Either method, as discussed below, has advantages and shortcomings.

## 1) Criminal Records Repositories

Every state has an agency that is the official state repository for criminal records. The responsible agency, as designated by state statute, receives and maintains records of arrests and criminal convictions from local jurisdictions throughout the state. State repositories in turn feed criminal history records to a federal database maintained by the FBI.

The federal database, called the Interstate Identification Index (III or “Triple I”) includes records of federal crimes, as well as criminal record information submitted by participating states. The Triple I was originally created to allow law enforcement agencies to check criminal histories beyond state boundaries. An initial search of your state department of justice website should reveal protocols for conducting record checks. Note that access to criminal records files through the state, as well as fees, may vary widely from state to state.

## 2) Commercial Background Screening

More and more nonprofit organizations are turning to commercial background screening companies. Organizations may seek out commercial vendors, especially when screening beyond a criminal history check is required. Commercial background screeners may run credit checks, Social Security number checks, DMV checks, and much more. These companies generally have a variety of other data sources not available through government Websites.

Organizations may also find that commercial screeners are faster and cheaper than screening through state repositories and the FBI’s Triple I. Some commercial vendors offer bulk rates or reduced fees for volunteer screening.

Many professional screening companies long involved in screening employees have established separate programs for screening volunteers. Some commercial screeners even specialize in background screening for certain kinds of nonprofits such as ministries.

## Adopt a volunteer screening policy

The Board of Directors should adopt written policies for screening volunteers as well as written privacy and data security policies. After determining the scope of background check suitable for each volunteer position, organizations should contact the state criminal history repository to find out whether the organization is a “qualified entity” eligible for access under the Volunteers for Children’s Act. Then, if appropriate, the organization may select a commercial screening company instead of or to supplement a criminal history check conducted through official channels.

As a minimum, a volunteer screening policy must:

- Clearly state the organization’s position and practice for screening volunteers
- Identify the volunteer positions that require screening
- Identify the screening required for each volunteer position
- Identify the scope and sources for conducting background checks
- Identify the offenses or findings that would disqualify an applicant or current volunteer
- State the fees involved in screening and the responsibility of the volunteer for all or any portion of the fees

Post policies on the organization’s website or ensure that they are made easily available to all current and prospective volunteers.

Finally, it should be noted that volunteer screening activities as described in this section are preludes to a clinic’s credentialing activities. Credentialing is defined as the process a clinic undertakes to assure that an individual has proper license, training, and education to carry out their assigned clinic functions (Refer to the Legal Section earlier in this second module).

All screenings appropriate for volunteers are appropriate for employees.