

Policy 704.16 – Volunteer Workers

Date Adopted: 8/6/09

Issuing Office: Administration & Finance

Date Revised:

Approved By:

References: 29 C.F.R. 553.100

I. POLICY

The University of Montana Western shall establish a policy for maintaining records and providing benefits to individuals providing volunteer services to UMW.

II. PURPOSE

The purpose of this policy is to ensure that appropriate records are maintained and benefits provided to individuals providing volunteer services to UMW.

III. PROCEDURES

A. Definitions

Volunteer is defined as an individual who performs hours of service for UMW for civic, charitable, or humanitarian reasons. These services are performed without promise, expectation, or receipt of compensation for services rendered. As defined in the Fair Labor Standards Act, an individual is considered a volunteer if:

- "(i) the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
- (ii) such services are not the same type of services which the individual is employed to perform..."

Volunteers may not be used to circumvent wage and hour laws, classification or pay plan rules, or collective bargaining agreements.

Nominal fee is not a substitute for compensation and may not be tied to productivity. When determining if an amount given is "nominal", a number of factors will be considered: the time and effort expended by the volunteer, the distance traveled by the volunteer, and whether the volunteer provides services as needed or throughout the year.

B. Procedures

1. Volunteers are not covered under Worker's Compensation. Volunteer coverage through the State of Montana Risk Management & Tort Defense Division provides accident, death, dismemberment, and illness benefits for volunteers in university-sponsored events in excess of volunteers coverage. It does not include internships.
2. Volunteers are ineligible for other benefits including but not limited to medical insurance, retirement, and paid leave. In the event a volunteer is subsequently hired as an employee of UMW, volunteer service shall not be considered prior employment for purposes of determining benefits eligibility, rate of pay, or any other employment condition based upon length of service.
3. The duration of volunteer service by an individual is unlimited.
4. Volunteer service may be terminated at any time by the volunteer or UMW.

5. The following conditions must be met for University employees to volunteer services to the University:
 - a. The volunteer service does not take place during the employee's regular work hours.
 - b. The duties performed are substantially different from those performed as an employee.
 - c. Volunteer services must be provided to a University department other than the employing department.
 - d. The volunteer time is insubstantial in relation to the employee's paid work time.
 - e. No University employee is displaced as a result of the voluntary service.
6. Volunteers may be reimbursed for nominal out-of-pocket fees. Payment of an hourly rate establishes an employer-employee relationship and is prohibited.
7. Departments utilizing non-student volunteers shall complete an Agreement for Non-reimbursed Volunteer Services and forward *a copy* of the agreement to the Human Resources Office.
8. Student volunteers are subject to *student employment* policies. Departments wishing to use student volunteers should contact the Human Resource Services Office.
9. In the event a University department is contacted by the judicial system to utilize court-activated community service volunteers, the Dean of Students shall be contacted prior to engaging the service of such a volunteer. A review committee appointed by the Dean of Students will assess the circumstances, determine the appropriate placement, define limitations, and evaluate the success of the placement.
10. Departments must keep track of each volunteer and provide a description of the task the volunteer is performing to the Director of Business Services after each event.

IV. AUTHORITY

29 C.F.R. 553.100

V. RESPONSIBILITY

Vice Chancellor for Administration & Finance/Student Affairs, Associate Director of Human Resource Services, Dean of Students, Director of Business Services

The University of Montana Western
Agreement for Non-Reimbursed Volunteer Services

The agreement is between The University of Montana Western,

Department, Index _____ and

,

(name of volunteer)

_____, for services rendered as

(social security number)

(title or description of services)

The above-named individual is not a regular employee of the above-named department, and the work to be performed will not replace the work of regular employees of the department.

It is understood that the services are voluntarily offered for the time period from to _____, and the volunteered services shall not be reimbursed.

Volunteer Signature

Date

Supervisor Signature

Date

Department Authorization

Date

For Human Resource Services Office Use:

The worker's compensation coverage for this volunteer should be for the time period stated above and charged to the department indicated. The coverage should be at the high/

_____ low rate. The coverage should be for an estimated _____ total days, _____ total hours, and an assumed hourly wage of \$