



## GUIDELINES FOR UNIVERSITY OF ALASKA DEPARTMENTS ON USING VOLUNTEER SERVICES

The federal Fair Labor Standards Act (FLSA) allows public agencies, such as the University of Alaska, to use the services of volunteers under the following circumstances:

- The Volunteer cannot perform the same type of services that he or she performs as a university employee or perform services during normal working hours (if the Volunteer is employed by UA in any capacity) (see Note below).
- The Volunteer must offer their services freely and without coercion, direct or implied, from the university.
- The Volunteer must perform service without promise, expectation, or receipt of compensation for their services. (In some circumstances, volunteers can receive reimbursement for expenses, benefits or a nominal fee; contact HR for more information.)

If any of the above criteria are not met, the services performed may constitute compensable time under the FLSA and require payment of minimum wages and overtime.


In addition to the above criteria, other laws and university policy require the following:

- Volunteers must be US citizens or otherwise eligible for unrestricted employment in the US, unless they are performing a service that no one within the University of Alaska is paid to do.
- Volunteers who will be in contact with minors (under age 18) must be approved by Human Resources and Risk Management and may be subject to a criminal background check.
- Volunteers may not transport groups, students, minors, or non-UA affiliated persons on UA business or UA sponsored events and activities. Exceptions may be made only with prior approval of Risk Management.
- For Volunteers under the age of 18, written permission must be received from Risk Management and from a parent or legal guardian.
- Volunteers must be under the direct supervision of a **paid** University of Alaska employee. Supervision by a University employee means that the Volunteer is given the means and the direction for the performance of the work.
- The Volunteer will perform productive work where there is a legitimate need for services.
- Volunteers must be engaged in activities related to the business or operations of the University of Alaska. Such activities are defined as work that furthers the goals and missions of the university in education, research, or community service.
- Volunteers must have the skills necessary to perform the work.

Qualified volunteers are eligible for certain types of University of Alaska insurance protection. For information on this insurance, please go to the following links:

Volunteer Services and Liability: <http://www.alaska.edu/risksafety/html/volunteerl.xml>

Volunteer Services and Workers' Compensation: <http://www.alaska.edu/risksafety/html/volunteer.xml>

Some examples of qualified Volunteers:	Some activities where an individual is not qualified as a Volunteer:
	
Docents Flower planting or gardening on campus grounds Models in art classes Enrolled and Accepted 4-H Leaders Coaches Recreational assistants Student registration assistants	Employees from other universities or organizations doing joint research or performing other services or activities with the University of Alaska Students in practicum, internship or work study programs Students on class field trips Spouses, friends, or family members traveling with a UA employee Performers in theatre, music, dance, or other productions Participants in club activities

Volunteers should be informed of university policies on safety and security; sexual harassment; drug and alcohol abuse; non-discrimination and equal opportunity, etc. Volunteers should also be informed of ethical codes or similar standards of conduct applicable to the department in which they provide volunteer services, as well as other relevant policies, such as policies on confidentiality of records, intellectual property, conflict of interest, etc.

Volunteers are not authorized to act in any way on behalf of the university in business matters, including purchasing property, signing contracts, leases or other agreements, hiring or supervising employees or otherwise attempting to bind the university to any agreement.

Volunteers are under no obligation to provide services to the university and are free to discontinue their volunteer activities at any time.

Note: University employees who are released by their dean/director to perform temporary services for another department (registration assistance, etc.) while on the University payroll are not "volunteers."



## APPROVAL PROCESS FOR DEPARTMENTS USING VOLUNTEERS

The Volunteer Checklist is provided to assist in ensuring that the necessary criteria are met for the Fair Labor Standards Act (FLSA), insurance and IRS. Questions regarding Volunteer status should be directed to Human Resources (HR) or Risk Management (RM).

- **Department deans/directors must approve the use of volunteer services in their department.** Prior to approval, the Volunteer Checklist must be completed in order to determine that the Volunteer meets the criteria.
  - ✓ If, in accordance with the Volunteer Checklist, the approval of Human Resources or Risk Management is not required, no other documentation is needed.

The completed Volunteer Checklist should be retained by the department for one year after the volunteer service is completed.
  
- The approval of Human Resources and/or Risk Management is required in the following situations:
  - **University employees as volunteers:** Human Resources must approve the use of university employees as volunteers for the university.
  - **Volunteers who will be in contact with minors** (e.g. coaches, recreational assistants, student services, etc.): Volunteers who will be in contact with minors (under age 18) must have Human Resources and Risk Management approval and may be subject to a criminal background check.
  - **Volunteers under 18:** Written permission must be received from Risk Management and from a parent or legal guardian. Contact Risk Management to obtain this form.
  - **Volunteers receiving payment for expenses, reasonable benefits, or a nominal fee:** HR must approve the payment arrangements and receive the necessary withholding forms. A written Volunteer Agreement provided by HR and signed by the volunteer and the department dean/director is required.
  - **Volunteers with a written volunteer agreement:** All written Volunteer Agreements must be provided and approved by HR.
  - Volunteers may not transport groups, students, minors, or non-UA affiliated persons on UA business or UA sponsored events and activities. **Exceptions may be made only with prior approval of Risk Management.**
  - ✓ **If the approval of Human Resources or Risk Management is required, the department dean/director must approve the Volunteer Checklist and route it to HR and/or RM. Failure to follow this approval process places the University at risk for liability and may subject the department to the expenses arising out of those liabilities.**



## INFORMATION FOR VOLUNTEERS

We are pleased that you are interested in volunteering your services to the University of Alaska. Before you begin volunteering, the department dean or director must approve your volunteer service. If you are a minor (under age 18), you must also have the written approval of your parent or guardian.

A volunteer provides services without compensation for those services. A volunteer does not have an employment relationship with the University and receives no wages, salary or other compensation for services. A volunteer will not receive any reimbursement for expenses or other payment or benefit unless it is specified in a signed Volunteer Agreement. A volunteer is not eligible for any University employment benefits, including but not limited to vacation, sick leave, retirement, tuition benefits, disability insurance, health insurance or unemployment insurance.

Qualified volunteers are eligible for certain types of University of Alaska insurance protection. For information on this insurance, please go to the following links:

Volunteer Services and Liability: <http://www.alaska.edu/risksafety/html/volunteerl.xml>

Volunteer Services and Workers' Compensation: <http://www.alaska.edu/risksafety/html/volunteer.xml>

Volunteer service is appreciated, but it does not give priority for University employment and volunteers should have no expectation of future employment. If volunteers subsequently obtain University employment, they will not be paid for any services that they provide before they receive a written appointment letter for employment.

Volunteers in some areas are subject to background checks.

Volunteers may not transport groups, students, minors, or non-UA affiliated persons on UA business or UA sponsored events and activities. Exceptions may be made only with prior approval of Risk Management. If approval is given, the Volunteer may be subject to a driving record check.

Volunteers are not authorized to act in any way on behalf of the university in business matters, including purchasing property, signing contracts, leases or other agreements, hiring or supervising employees or otherwise attempting to bind the university to any agreement.

Everyone in the University community, including volunteers, is subject to University policies on safety and security; sexual harassment; drug and alcohol abuse; non-discrimination and equal opportunity, etc. Volunteers should also familiarize themselves with other policies of the department in which they volunteer, such as policies on confidentiality of records, intellectual property, conflict of interest, etc.

Volunteers must comply with any ethical codes or similar standards of conduct applicable to the division of the University in which they provide volunteer services. For example, volunteers in the Department of Athletics are subject to applicable NCAA rules.

Volunteers must be a US citizen or otherwise eligible to work in the US unless they are performing a service that no one within the University of Alaska is paid to do.

Volunteers are under no obligation to provide any services to the University and are free to discontinue their volunteer activities at any time. The University may terminate any volunteer relationship at any time without cause or prior notice and at its sole discretion.