

Department of the Interior Departmental Manual

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Series: Departmental Management

Part 301: Major Program Issues and Decisions

Chapter 6: Volunteer Policy

Originating Office: Office of Youth, Partnerships and Service

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6.1 Purpose. This chapter establishes Departmental policy and provides guidance for bureaus and offices in the use of volunteers to assist in carrying out the mission of the Department of the Interior.

6.2 Scope. The policy in this chapter applies to all bureaus and offices.

6.3 Definitions. The following are definitions of terms as they are used in this chapter:

A. Volunteer.

(1) An individual who performs service under a current, signed individual or group volunteer agreement for the Department or its bureaus for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, is considered to be a volunteer provided such service is within the scope of a statute authorizing the bureau's or office's use of volunteers. Volunteers are not subject to the wage, hour, and compensation provisions of the Fair Labor Standards Act.

(2) An individual shall not be considered a volunteer if the individual is otherwise employed by the Department or its bureaus to perform the same type of services as those for which the individual proposes to volunteer.

B. Volunteer Agreement (OF 301A). A Volunteer Agreement (Form OF 301A) must be reviewed and signed by the volunteer or volunteer group leader and the appropriate bureau or office representative before work can begin. The agreement describes the activity(ies) and circumstances under which the volunteer work is performed.

C. Volunteer Coordinator. The bureau or office staff member who is directly responsible for implementing and coordinating the volunteer program within that bureau or office.

D. Volunteer Supervisor. The bureau or office staff member who is directly responsible for a volunteer's activities.

6.4 **Authorities.**

A. Departmental. The use of volunteers and the scope of their service are governed by statutory authorities. At the Departmental level, these authorities include, but are not limited to, the Outdoor Recreation Act (16 U.S.C. § 460l-1) the Take Pride in America Program (16 U.S.C. §§ 4601 to 4608), the Department of the Interior Volunteer Recruitment Act of 2005 (Public Law 109-125), and the authority to pay costs incidental to services contributed by volunteers (43 U.S.C. § 1473c), the Department of the Interior and Related Agencies Appropriations Act, 1992 (Pub. L. 102-154 § 116), and the authority to accept volunteer services by student interns (5 U.S.C. § 3111).

B. Bureau-Specific. Bureau-specific authorities include, but are not limited to, the following: Federal Land Policy and Management Act (43 U.S.C. § 1737 (c) to (f)); 43 U.S.C. § 1475b; Fish and Wildlife Act of 1956 (16 U.S.C. § 742f-1); Volunteers in the Parks Act as amended (16 U.S.C. § 18g to j); 25 U.S.C. 2012(l); and 43 U.S.C. § 50c to d.

C. Volunteer Status. Statutes governing volunteer authority typically provide the following:

(1) A volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) For purposes of the Federal Tort Claims Act, (28 U.S.C. 2671-2680), a volunteer shall be considered an employee of the government (as defined in section 2671). As a result, the government may be liable if the volunteer engages in a negligent or wrongful act or omission, provided the volunteer is acting within the scope of the volunteer activity.

(3) For purposes of 5 U.S.C. chapter 81, subchapter I, relating to compensation to Federal employees for work injuries, a volunteer shall be considered an employee (as defined in 5 U.S.C. § 8101) if the following conditions are met: 1) the volunteer was rendering personal services to the United States; 2) the volunteer rendered the services without pay; 3) the services which were rendered were similar to those provided by an employee of the United States; and 4) the agency was authorized to accept or use the volunteer's services.

6.5 **Policy.**

A. Use of Volunteers. It is the policy of the Department to encourage, use, and recognize volunteers, where appropriate, within the terms of applicable legal authorities and to the maximum extent commensurate with program needs, to enhance the ability of its bureaus and offices to carry out mission-related activities. Bureaus and offices will conduct all volunteer

activities in full compliance with applicable laws and other authorities, including the statutes authorizing volunteer use, as well as ethics statutes, regulations, and relevant policies.

B. Objectives. Within the Department, volunteer activities should, where applicable and to the extent practicable:

- (1) Contribute to fulfilling the Department's mission;
- (2) Encourage stewardship of natural and cultural resources through public participation in, and contributions to bureau and office programs;
- (3) Include diverse representation of the communities and stakeholders involved, and provide opportunities for students and others to gain experience in areas of interest for possible future careers;
- (4) Achieve mutually agreed upon goals;
- (5) Maintain the integrity of the Department, its programs, and its employees; and
- (6) Contribute to scientific activities that support the Department's mission.

6.6 Volunteer Reimbursement.

A. Policy. Bureaus and offices may reimburse volunteers for fully documented incidental expenses (which may include transportation, supplies, uniforms, lodging, and subsistence) to the extent authorized by statute, under the terms specified in the volunteer agreement, and at the discretion of the bureau, site, office, or program manager.

(1) Bureaus must exercise care not to reimburse volunteers more for than their fully documented incidental expenses. Payments not properly documented, and/or exceeding the amount allowable by law for tax-free reimbursement (amounts above actual expenses resulting in a profit), may be considered by the Internal Revenue Service (IRS) to be taxable income of the volunteer and thus create a tax liability. It is the Department's policy to avoid such circumstances. For more information, see Internal Revenue Service's (IRS) *Taxable Fringe Benefit Guide for Federal, State, and Local Government*; IRS Publication 525: *Taxable and Nontaxable Income*; and IRS Publication 526: *Charitable Contributions*.

(2) Such reimbursements are limited to the extent allowable under legal authorities including Department of the Interior and Related Agencies Appropriations Act, 1992 (Pub. L. 102-154 §116); 26 U.S.C. §119, 26 U.S.C. §162(a)(2), 26 U.S.C. §170(i), and 26 U.S.C. § 262; 26 C.F.R. §1.170-2(a)(2), 26 C.F.R. §1.170A-1(g), 26 C.F. R. §1.62-2(c), 26 C.F.R. §1.274-5T, and 26 C.F. R. §1.274-5T(b)(2); and Chapter 301 of the Federal Travel Regulations (Temporary Duty (TDY) Travel Allowances); and under the terms specified in the volunteer agreement.

B. Amount of Reimbursement. Volunteers may be reimbursed \$0.14 per mile for local commuting costs. See IRS Bulletin Rev. Proc. 2010-51, Section 7, Mileage. See also 26 U.S.C.

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170 and 26 C.F.R. 601.105(i). Volunteers traveling away from home and overnight may be reimbursed for meals, lodging, and other business-related travel expenses. See Internal Revenue Code § 162(a)(2) and Chapter 301 of the Federal Travel Regulations (Temporary Duty (TDY) Travel Allowances).

6.7 Documentation. Bureaus and offices are required to document relationships and transactions with volunteers by:

A. Maintaining a record of the relationship through a volunteer agreement, in compliance with volunteer service statutory authorities, other applicable laws, and bureau and office policies and guidelines. The Volunteer Services Agreement for Natural Resources Agencies (OF-301A) is available on the General Services Administration web site at <http://www.gsa.gov/portal/forms/type/OP>.

B. Fully documenting any incidental expenses, travel authorizations, and vouchers reimbursing a volunteer.

C. Conducting background investigations where needed for volunteers requiring regular, non-supervised physical and/or logical (network) access, including a DOI Access card, in accordance with Homeland Security Presidential Directive #12 (HSPD-12). See DOI Personal Identity Verification (PIV) Policy and Guide for Federal Employees and Contractors, http://www.doi.gov/hspd12/upload/PIV_Guide_v1_final.doc.

D. Reporting on volunteer activities as requested.

6.8 Recognition. It is the policy of the Department to appropriately recognize volunteers and staff who promote volunteerism within bureau and office guidelines. Volunteers may receive non-monetary awards valued at \$50.00 or less in accordance with 370 DM 451.5 Non-Monetary Awards.

6.9 Responsibilities.

A. Assistant Secretary – Policy, Management and Budget.

(1) Ensuring Departmental compliance with this policy.

(2) Overseeing Departmental recognition of exemplary volunteer programs, individual volunteers, or volunteer groups.

B. Program Assistant Secretaries.

(1) Ensuring that their respective bureaus and offices comply with this policy.

(2) Participating in recognition of exemplary volunteers and volunteer programs.

C. Heads of Bureaus and Offices.

- (1) Ensuring compliance with this policy.
- (2) Establishing, maintaining, and overseeing bureau and office policies and guidance and procedures on volunteer programs as related to specific authorities and missions.

D. Office of Youth, Partnerships and Service.

- (1) Providing coordination and oversight on volunteer strategies for the Assistant Secretary – Policy, Management and Budget.
- (2) Participating in and supporting the Department's coordination efforts in volunteerism across the Department and with other agencies.
- (3) Providing technical assistance and guidance to bureaus and offices in understanding and implementing volunteer programs.
- (4) Encouraging the development of training and procedures that enable the appropriate use of volunteers.
- (5) Appropriately recognizing volunteers and staff within the Department's guidelines.
- (6) Compiling data and reporting on the Department's volunteer activities.
- (7) Updating and coordinating changes to this policy.

E. Bureau and Office Volunteer Coordinators are responsible for implementing procedures and guidance necessary to implement a volunteer program within the bureau or office.

F. Volunteer Supervisor.

- (1) Ensuring bureau and office compliance with paragraphs 6.6 and 6.7 of this chapter.
- (2) Defining appropriate activities for volunteer services and ensuring that volunteer agreements (OF-301A) are signed before volunteer service begins.
- (3) Providing appropriate guidance to the volunteer to ensure compliance with the volunteer agreement and achievement of the intended goals.

they are:

- (4) Submitting any requests for incidental expense reimbursements to ensure that

- (a) fully documented;
- (b) timely;
- (c) within the limits allowable under legal authorities; and
- (d) within the terms specified in the volunteer agreement.

- (5) Reporting on volunteer activities as requested by the bureau/office volunteer coordinator.

G. Volunteers.

- (1) Fulfilling the offer of volunteer service, and honoring the terms of the volunteer agreement.

- (2) Providing timely (within 30 days) requests for reimbursement.