

Volunteers

What is the difference between an employee and a volunteer? According to the [United States Department of Labor](#) and [Oregon Department of Employment](#), individuals may volunteer or donate their services to public sector employers such as the state. When they do this without contemplation of pay or profit motivation, they are not considered employees, but rather as volunteers.

Apart from compensation, there should be little difference between direction provided for employees and volunteers. However, there is difference between the [control an agency can provide employees](#) over what they can for other entities, such as a volunteer. Too much control over a volunteer may inadvertently make them an employee under civil rights law. In other words, train volunteers well and supervise them with a light hand. Volunteers should not be disciplined or promised future jobs.



Image from [Oregon Department of Forestry](#)

In general, volunteers should be allowed to refuse work and have a voice in when they work. Volunteers should be provided with:

- Descriptions of the scope of work to be performed.
- Training for how to perform the work satisfactorily and safely.
- Training on policies, expectations, and how to interact with others in the workplace.

Risks to Agencies

When an agency uses volunteers, they should prepare, plan, and mitigate for risks that are often associated with volunteer work, such as:

- Potential liability for volunteers as an agent of the state.
- Volunteer injuries,
- Lawsuits for work practice violations
- Damage done to state property by volunteers.

Insurance Coverage

Tort liability coverage: Volunteers are agents of the state for purposes of the Oregon Tort Claims Act [ORS 30.260-300](#) and receive liability coverage by the state for their acts and omissions when acting within the course and scope of their volunteer duties.

Volunteer Injury Coverage Options:

Agencies have three options for providing injury coverage to volunteers, unless required to do otherwise statutorily. Agencies should consider each option's pros and cons when electing coverage through [DAS Risk Managements VIC Policy Manual 125-7-204](#).

1. No Coverage: An agency is not required to provide any coverage for their volunteers. If an agency does not make any notice of election, the default is no coverage. While the easiest to administer, this option leaves agencies open to the risk of tort claims if they are determined to be responsible for a volunteer's injury during the scope of their duties.

2. Volunteer Workers' Compensation Coverage: When elected by an agency, this coverage is supplied by the state's workers' compensation insurance carrier and is similar to coverage provided to employees. This option exposes agencies to an almost unlimited financial risk per claim. While normally not recommended, this coverage should only be considered in situations where volunteer work is essential to your agency mission and is under the same control, conditions, and risks as paid employees.

3. Voluntary Injury Coverage (known as VIC): VIC supplements a volunteer's personal health insurance by paying for things not covered by their health insurance plan. This option exposes agencies to a limited financial risk and the volunteer releases you from some liability risk that might otherwise fall on the agency.

For more information, visit DAS Risk Management's [Volunteer Injury Coverage Toolkit](#), or contact DAS Risk Management at 503-373-7475, or risk.management@oregon.gov.

RiskWise



A Guide to Controlling Risk

Volunteers

- Risks to Agencies
- Insurance Coverage
- Volunteer-Related Information and Best Practices
- Additional Resources, Links and Information

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Volunteer-Related Information and Best Practices

- If volunteers are paid stipends or receive remuneration, workers' compensation may need to be provided. This may affect boards, commissions, and park/camp hosts among others. Remuneration includes an exchange of work for non-cash items of value such as firewood and camping spots provided to camp hosts.
- Reimbursement of expenses does not count as wages or remuneration.
- Avoid providing volunteers gifts such as cash or cash equivalents. This may create taxable income and may also require the need to provide full workers' compensation coverage. Gifts that are considered de minimis under [IRS rules](#) (low value, low frequency, non-monetary) are not considered taxable income.
- Develop a tracking system for the number of volunteers used and their hours worked. DAS Risk Management asks for this information each year on the Risk Report.
- When providing full workers' compensation coverage, hours and [wages/assumed wages](#) must be reported as part of the payroll reporting process. In most situations Oregon's assumed wage is the wage used for this purpose. The [minimum wage](#) now varies by region of the state where the work is performed.
- [Track and recover state-owned property](#) assigned to volunteers.
- Provide volunteers the same safety and health training that would be provided to employees doing similar work.
- Many statewide human resource policies apply to volunteers including, but not limited to [Discrimination and Harassment Free Workplace](#), [Maintaining a Professional Workplace](#) and [Violence Free Workplace](#). Assure volunteers receive training and information required by these and other applicable policies.
- Minors may volunteer. When utilizing minors as volunteers, use the Bureau of Labor and Industries' [Child Labor Laws](#) as a best practice guide ([FAQ](#)). Limitations for minors under the OARs include but are not limited to restrictions of work hours, operation of power-driven machinery, driving, arduous work restrictions and hazardous exposures.
- When utilizing minors as volunteers, ensure parents/legal guardians complete the required Volunteer Injury Coverage forms. Securing [medical releases](#) is also recommended in case injury treatment is required. Completed forms should be kept in a confidential locked location within the agency. Consider requiring parental/legal guardianship accompaniment when minors are performing volunteer work. Otherwise, consider how the agency will provide adequate personal protection of the minors.
- Consider the need for background checks for volunteers, such as those working with vulnerable populations.
- Don't forget about your employees. Provide them with procedures and training for how to appropriately direct or interact with volunteers in the workplace. Make sure volunteer programs support safety for them as well.



Image from [Oregon Department Of Fish and Wildlife](#)

DAS RISK MANAGEMENT

www.oregon.gov/das/Risk/Pages/Index.aspx

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*We commit to be KNOWLEDGEABLE, RESPECTFUL AND
RESPONSIVE in business and interactions.*

Additional Resources, Links, and Information

United States Code: [Volunteer Protection Act of 1997](#)

OSPA Reference Manual: [Volunteers, Boards and Commissions](#)

SAIF Corporation: [Volunteers Employer Guide](#)

[\[https://www.oregon.gov/das/Risk/Pages/PubsToolsRes.aspx\]](https://www.oregon.gov/das/Risk/Pages/PubsToolsRes.aspx)