

WHEN IS A VOLUNTEER NOT AN EMPLOYEE

Sometimes volunteers are just volunteers—but sometimes they are really employees. Do you know if your volunteers are truly volunteers?

In general, a volunteer is an individual who performs hours of service for a public or private agency for civic, charitable, or humanitarian reasons without promise, expectation, or receipt of compensation for services rendered. “Public” agencies are defined as any town, city, county, state, or federal agency. “Private” agencies are all those organizations and companies who are *not* government agencies.

- ✚ Volunteers perform work for public, charitable, or religious facilities but they do not displace a paid employee and their activities do not lead to paid employment at the organization. So it is all right for people in the community to volunteer at their local public library or run a booth for their local church or Rotary Club without getting paid. Many professionals who get laid off or who lose employment due to relocation will volunteer at local organizations until a paying gig comes along. Other professionals volunteer their time (for example, to coach or teach at the non-profit Hannah Grimes Center) because they believe in the mission of the organization.
- ✚ Any individual can volunteer at any public agency. But federal law is designed to prevent manipulation or abuse of minimum wage or overtime requirements through coercion or undue pressure upon individuals to “volunteer” their services at the same place where they work, performing the same sort of activities. Private agencies should consider this standard also. For example, Gertrude could work for the ABC Help Me nonprofit as a *paid* office worker and *volunteer* to sit in the dunking booth at the ABC Help Me fund-raising fair. However, even if Gertrude signs a volunteer form that says her time in the dunking booth is *not* the same type of service the ABC Help Me pays her for and she *wants* to volunteer for the dunking booth, I would advise ABC Help Me not to accept volunteer services from their own paid employee. I say this because ABC Help Me’s good relationship with Gertrude might turn sour six months later and Gertrude could tell the Department of Labor that she was coerced and pressured into assisting at the fund-raising fair and she should be paid for that time. May not happen, but why take the chance? A better idea would be

for Gertrude to volunteer for the non-profit organization Do Good Things and have someone from Do Good Things volunteer at ABC Help Me.