

Army Regulation 608-1

Personal Affairs

Army Community Service

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Chapter 5 **Volunteers**

Section I

Introduction

5-1. Purpose

This chapter establishes policies and procedures on the acceptance and management of volunteers; describes the conditions under which volunteers may be accepted and the responsibilities of accepting officials and Government support provided; and provides specific guidelines for installation volunteer coordination.

5-2. Types of volunteers

Installations have many types of volunteers, with each having specific guidelines that govern its management.

- a.* Statutory volunteers.
- b.* Individuals providing gratuitous service.
- c.* Volunteers for private organizations.
- d.* Student interns.

Section II

Statutory Volunteers

5-3. Applicability and scope

a. The Military Departments and through them, the Office of the Secretary of Defense, the Chairman of the Joints Chiefs of Staff, the Combatant Commands, the Inspector General of the DOD, the Defense Logistics Agency, DOD Field Activities, and all other organizational entities within the DOD, are authorized to accept voluntary services (see 10 USC 1588). The servicing judge advocate or legal advisor can provide advice on specific questions.

b. Statutory volunteers, covered under 10 USC 1588, are those individuals who donate their services to the Army, including programs listed in paragraph 5-4. Persons providing gratuitous service to the Army outside of the scope of 10 USC 1588 and individuals who donate their services to public, private, or commercial organizations or contractors for the Government even when such services are in direct support of a program providing a service to Soldiers and their Families are not statutory volunteers.

5-4. Accepted voluntary programs

Volunteers may be recruited and trained to provide voluntary services for the following programs:

- a.* Medical, dental, nursing or other health-care related services.
- b.* Museums or natural resources.
- c.* Programs providing services to members of the Armed Forces and the Families of such members, to include, but not limited to, Family support, child development and youth services, library and education, religious activities, housing referral, employment assistance to spouses of such members, MWR, funeral honors detail, legal assistance services, proctor for administration to secondary school students of the test known as the Armed Services Vocation Aptitude Battery and specific translation or interpretation services as prescribed by 10 USC 1588(a)(7).

5-5. Special circumstances to accept volunteers

a. When programs or services are provided in a jointly sponsored initiative with a non-DOD entity, voluntary service may be accepted only if the primary beneficiaries of the voluntary service are eligible for DOD sponsored programs. An example of a jointly sponsored initiative is the installation/unit Partners in Education program, where the primary beneficiaries are military youth.

b. The Military Departments are authorized to accept voluntary services; however, DOD and organizational entities within the DOD may accept voluntary service by going through one of the military departments (see para 5-3a). When one of the DOD components, other than another military department, is located on an Army installation, that DOD component may accept voluntary service only by going through the Army or through any military department with which such arrangements have been made. In accepting such voluntary services, the other DOD component involved shall follow the rules and procedures of the Military Department through which the voluntary services are accepted. Such arrangements may also be made with the Army when the DOD component is not located on any installation.

5-6. Who may volunteer

a. Voluntary services may be accepted from civilian personnel from both the military and civilian communities and military personnel and their Family members.

b. Voluntary services from host-nation or third country citizens may be accepted if the responsible commander determines that acceptance of such voluntary services will not subject the U.S. Government to potential liability for unacceptable expenses. This includes payment of employment benefits for a volunteer because of host-nation labor and voluntary service laws, U.S. host nation treaties, or Status of Forces Agreement or other agreements. Legal counsel must review provision of voluntary service from host-nation and third-country citizens at overseas locations prior to acceptance.

5-7. Exclusions from authority to accept voluntary service

a. Volunteers may not hold policy-making positions, supervise paid employees or military personnel, or perform inherently Governmental functions such as determining entitlements to benefits, authorizing expenditures of Government funds or deciding rights and responsibilities of any party under Government requirements.

b. Voluntary services may not be accepted in exchange for any personnel action affecting any paid employee or military member.

c. Volunteers may not be compensated for their voluntary service except under the provisions of paragraph 5-10g.

d. The Service Contract Act (41 USC 351) requires that anyone performing work that is contained in the statement of work of a service contract must be paid the minimum wages provided for under the Act (or status of forces agreement, supplemental agreements, or other laws applicable overseas). A person providing services under such a scenario is not a Government volunteer and is not covered by 10 USC 1588.

e. A Government agency shall not solicit or accept volunteer services from contractor employees whose company has a contractual relationship with the Government agency organization seeking volunteer services. Contract employees may volunteer in Army programs run by organizations with which they have no contractual relationship. Such volunteer duties must be performed on the contractor's own time.

f. Federal employees may not volunteer for a program in which they are employed. However, Federal employees may volunteer in other Army programs in which they do not have employment responsibilities.

g. Army volunteers are not authorized to engage in fundraising activities while performing volunteer services. Individuals engaged in fundraising do so on their own time, and are not considered Army volunteers when engaged in such activities.

5-8. Status of volunteers

a. While providing services under 10 USC 1588, a volunteer will be considered to be an employee of the Government only when the volunteer is acting within the scope of the services (position description) accepted, and only for the purposes of the following provisions of law:

(1) When providing services or receiving training to provide such services to an Army APF organization only for the purposes of—

(a) Compensation for injuries occurring during the performance of approved voluntary services pursuant to 5 USC 8101-8152. Applicable volunteer compensation computation for injuries incurred during the performance of approved voluntary services pursuant to 5 USC 8101-8152 is described in 10 USC 1588.

(b) Claims for damages or losses pursuant to 28 USC 2671-2680 and 10 USC 2733.

(c) Privacy Act and Freedom of Information Act regulations regarding the maintenance of records on individuals pursuant to 5 USC 552a.

(d) Criminal conflict of interest laws pursuant to 18 USC 201-225.

(2) Volunteers are considered employees of the nonappropriated fund instrumentality (NAFI) when providing services or receiving training to provide such services to an authorized Army NAFI only for the following purposes:

(a) Compensation for injuries occurring during the performance of approved voluntary services pursuant to 5 USC 8101-8152.

(b) Claims for damages or losses pursuant to 28 USC 2671-2680 and 10 USC 2733.

b. When an individual volunteers for an organization that receives APF and NAF, the volunteer will be considered an APF volunteer when their supervisor is an APF employee. When the volunteer's supervisor is a NAF employee, the volunteer is considered a NAF volunteer.

5-9. Standards for acceptance of voluntary service

a. Accepting official. The accepting official is a military member or Government employee (APF and NAF) who is the head of the organization (or their designee) where the volunteer provides service.

b. Organization responsibilities. The organization where the volunteer serves is responsible for ensuring—

- (1) All volunteer documentation is complete.
- (2) Personnel records are maintained.
- (3) Awards and recognition are planned and executed.
- (4) Costs of reimbursable expenses and organization awards are budgeted.
- (5) A representative serves on the Volunteer Council.
- (6) The Volunteer Management Information System on the Army OneSource Web site is utilized to record volunteer positions, awards, training, hours, and so on.

c. Circumvention of the civil service system. Volunteers may assist the workforce by performing an apportionment of a required function, but they cannot be used to substitute totally or permanently for unfilled positions, to replace paid employees or in lieu of obtaining contracted services for which funding has been provided.

d. Nondiscrimination policy. In accepting voluntary services, organizations will not discriminate based on race, creed, religion, age, sex, color, national origin, sexual orientation, marital status, political affiliation, or disability.

e. Injury. Volunteers will not perform duties that render them unusually susceptible to injury or to causing injury to others.

f. Supervision. The degree of supervision of volunteers will be comparable to that provided with respect to paid employees providing similar services. Personnel management rules and procedures applicable to exercising authority, direction, and control over paid employees and military personnel are not applicable to volunteers. Supervisory authority with respect to volunteers will be through designation of authorized duties, training, counseling, and determinations regarding continuation of acceptance of voluntary services. The supervisor may be a paid employee (civil service or NAF employee), a military member, or another volunteer who is so supervised. The supervisor must be directly responsible for the work the volunteer is performing.

g. Undue influence. When accepting voluntary services, commanders will ensure that neither they nor their paid or volunteer staff violate the provisions. By law no official will directly or indirectly impede or otherwise interfere with the right of a spouse of a military member to pursue and hold a job, attend school, or perform voluntary services on or off a military installation. Moreover, no official will use the preferences or requirements to influence or attempt to influence the employment, educational, or volunteer decisions of a spouse.

h. Background checks. Volunteers may be subject to a background check in accordance with DODI 1402.05, AR 608–10, and AR 608–18. Volunteers who work with children and youth must have a background check in accordance with the above regulations. The organization accepting the volunteer may contact the Family Advocacy Program Manager or the AVCC to obtain guidance on procedures for obtaining background checks and points of contact at required agencies.

i. Credentials. When required, volunteers must be licensed, privileged, have the appropriate credentials, or be otherwise qualified under applicable law, regulations, or policy to provide the voluntary services involved.

j. Privacy. DODD 5400.11 provides for the disclosure of privacy-protected records to agency employees who need the records in the performance of their duties. Access to records contained in a Privacy Act system of records may be provided to a volunteer providing a service to an APF activity. Any volunteer with such access must comply with the protection, disclosure, disclosure accounting, and other requirements. Privacy protected information may not be disclosed to a volunteer in a NAFI, as 10 USC 1588 does not authorize such access for NAFI volunteers.

k. Volunteer agreement. All volunteers and accepting officials for APF or NAF activities will sign DD Form 2793 (Volunteer Agreement for Appropriated Fund Activities and Non Appropriated Fund Instrumentalities). A copy of the signed volunteer agreement will be given to the volunteer prior to commencement of voluntary services. The DD Form 2793 will be placed in the volunteer's personnel file and may be uploaded on the Volunteer Management Information System.

l. Parental permission form. Parental or guardian permission is required prior to the commencement of volunteer services from unmarried Family members under the age of 18. DA Form 5671 (Parental Permission) will be signed when accepting voluntary services from unmarried Family members under age 18 before commencement of work.

m. Position description. A written position description will be completed in Volunteer Management Information System for each volunteer and will include the position and title, first-line supervisor, second-line supervisor (if applicable), description of duties, time required, qualifications of the job, training required and provided by the program accepting the voluntary services, and evaluation and feedback by the supervisor.

(1) The supervisor of the volunteer will write the position description, and the accepting official will be the approval authority.

(2) Each position description will make specific mention as to whether or not the regular use of a motor vehicle, private or Government-owned or Government-leased, is required and, if required, the specific volunteer duties that will be performed while using the vehicle. Incidental uses of a privately owned vehicle (for example, to run an occasional errand) should not be described in the job description.

(3) If the use of a vehicle is not required in the performance of volunteer duties, the position description will state that the use of a vehicle is not authorized.

n. Daily time record. Each volunteer will maintain a record of hours worked in Volunteer Management Information System. Credit hours earned will be entered for the appropriate day and month that the volunteer worked. Monthly totals will be automatically totaled in Volunteer Management Information System. A hard copy of entered data will be printed as DA Form 4713 (Volunteer Daily Time Record) and placed in the volunteer's personnel file.

o. Service record. All organizations having volunteers must ensure volunteer hours worked are documented in Volunteer Management Information System. These organizations must document jobs performed and training and recognition received in Volunteer Management Information System. The program will automatically place this information on DA Form 4162 (Volunteer Service Record) which should be printed and placed in the volunteer's personnel file.

p. Retention of records. Volunteer records will be retained for 3 years following the termination of voluntary service by the organization receiving the service. After that period, a summary of each volunteer's service may be electronically maintained at the activity until no longer needed.

q. Training. Volunteers will receive training needed to perform their duties. This training will include pre-job training to learn technical skills, on-the-job training, and continuing in-service training.

r. Orientation. Volunteers (includes those who transfer from other duty locations) will receive orientation to familiarize them with the organization, their assigned duties, procedures to document voluntary service hours, policies and procedures for obtaining reimbursement of incidental expenses, award policies, grievance procedures, line of supervision, the importance of confidentiality, and other relevant matters.

5-10. Authorized volunteer support

Various kinds of support are authorized to assist volunteers in performing their assigned service. These include, but are not limited to—

a. Equipment. This covers Government facilities, to include dedicated office or desk space, equipment, supplies, computers, and telephones as needed to accomplish assigned duties.

b. Authority to install equipment. The commander has the authority to install telephone lines and any necessary telecommunication equipment in the private residences of persons who provide voluntary services and may pay the charges incurred for the use of the equipment for authorized purposes.

c. Use of Government-owned or Government-leased vehicle. A volunteer may be permitted to use Government-owned or Government-leased administrative vehicles under 10,000 pounds when all the following circumstances exist:

(1) The appropriate commander determines that the use of the vehicle is for official purposes and that failure to provide such support would have an adverse effect on Soldier morale.

(2) The use of the vehicle can be provided without detriment to the accomplishment of the unit's needs (see AR 58-1).

(3) Volunteers who are assigned to operate administrative vehicles will be required to complete the same training and screening and maintain the same qualifications as other employees who drive comparable vehicles. They must meet the requirements of AR 600-55 (for example, they must possess a current valid driver's license from a state, U.S. Territory, U.S. possession, or overseas authority, and measures are taken to identify those personnel who are authorized and qualified to operate such vehicles). Those personnel who operate administrative vehicles should be screened through the National Driver Register, to the extent possible, to preclude those individuals with questionable driving records from operating Government vehicles.

d. Other requirements when operating Government vehicles. Permission to operate Government-owned or Government-leased administrative vehicles will be in writing. Volunteers will operate only Government vehicles that have been dispatched to them. Volunteers will be informed of the requirement that Government vehicles be used only for official business (see AR 58-1).

e. Investigation of incidents. Standard procedures used to investigate and/or adjudicate incidents involving employees are used, when appropriate, to investigate and/or adjudicate similar incidents arising from voluntary services provided under 10 USC 1588.

f. Official mail. Use of official mail as deemed necessary and appropriate to execute assigned volunteer duties. Family readiness group newsletters must meet the guidelines in AR 215-1.

g. Reimbursement of incidental expenses.

(1) The sponsoring organization's commanding officer or official in charge accepting the voluntary services will determine if reimbursement is necessary to obtain the voluntary services, and will decide if the total amount to be reimbursed is reasonable in relation to the value of the voluntary services provided, following coordination with the resource manager. Volunteers may not be compensated for the service provided except for the reimbursement of incidental expenses incurred while providing voluntary services accepted by the organization. However, there is no requirement to reimburse incidental expenses of volunteers.

(2) Training, travel, mileage, parking, telephone, and child-care expenses may be reimbursed with available APFs or budgeted NAFs. Travel and training will be in accordance with appendix E of the Joint Federal Travel Regulation (JFTR). Expenses such as certain meal surcharges incurred as a result of voluntary services, reimbursements of volunteers in the RCs, and methods to reimburse child care expenses using NAFs are established in AR 215-1. Refreshments and other food and beverages are not normally considered incidental reimbursable expenses. However, if a volunteer is providing a service in support of an official conference concerning Army Family or quality of life/well-being programs, the costs for food and beverages, with the exception of alcoholic beverages, may be reimbursed by the organization sponsoring the conference. This includes local volunteers as well as those in a travel status. The costs of the food and beverages should not exceed Government per diem and should be provided only on the day(s) of the voluntary service when the food or beverage expenses were actually incurred. As with other payments to volunteers, prior approval of the reimbursement by the sponsoring organization's official in charge is required as outlined in paragraph 5-10g(1).

(3) Reimbursement of volunteer incidental expenses may be made from either APFs or NAFs as authorized in 10 USC 1588 depending upon the program, available resources and the judgment of the responsible commander.

(a) The funding source should link to the funding source of the program. When the voluntary services support activities are funded solely by APF, then APFs are the preferred funding source to reimburse volunteer incidental expenses. When the voluntary services support activities are funded solely by NAFs, NAFs are the preferred funding source to reimburse volunteer incidental expenses.

(b) Either APFs or NAFs may be used to reimburse volunteer incidental expenses when the voluntary services support activities are funded by a combination of APFs and NAFs.

(c) Installation MWR funds should be used only to reimburse volunteer incidental expenses when the voluntary services support MWR activities, in accordance with AR 215-1.

(d) NAF reimbursement to volunteers providing services to a NAFI other than MWR or Family programs funded under the installation MWR fund should come from the applicable NAFI. Examples of other applicable NAFIs officially authorized for Army elements include the Fisher House NAFI, billeting fund, United States Military Academy NAFIs, museum NAFIs, and chaplain funds.

(4) Incidental expenses such as training and travel should follow the rules, procedures, and accountability for employment related reimbursements of Federal employees performing similar activities. The reimbursement of mileage for the use of a privately-owned vehicles while performing voluntary service will be at the current Government rates. Other reimbursable expenses such as long-distance telephone calls and child care should be reasonable.

(5) A Government employee or military member may not have approval authority for a volunteer's reimbursement of incidental expenses, or approval of individual travel orders for travel when the volunteer is the Soldier's or Government employee's Family member. In such circumstances, the approval authority will be the next senior individual in the Government employee or military member's chain of command. Criminal conflict of interest laws may be applicable to Government officials making financial determinations which affect their own financial interests, pursuant to 18 USC 208.

5-11. Recognition

Commanders and accepting officials will ensure that an ongoing system of recognition is developed and implemented, as stated in appendix I.

Section III

Gratuitous Service

5-12. Individuals providing gratuitous service

Army policy is to accept volunteer services under the statutory volunteer policy described above. Under limited circumstances, Army activities may accept gratuitous service from individuals, who provide service to the Army without any expectation of compensation, to include salary, tips, or benefits such as workers' compensation, tort claims, and reimbursements of incidental expenses (such as child care) from APF or NAF. Gratuitous servants are not considered statutory volunteers afforded benefits applicable to volunteers under 10 USC 1588. Individuals providing such service should receive recognition as detailed in appendix I.

5-13. Acceptance of gratuitous service

a. Gratuitous service may be accepted under certain conditions.

(1) Army organizations are required to obtain their servicing staff judge advocate approval prior to accepting gratuitous service from an individual for non-MWR activities to ensure compliance with the Anti-Deficiency Act at 31 USC 1342.