

Date: July 10, 2015

To: CSU Presidents

From: Lori Lamb 
Vice Chancellor
Human Resources

Subject: Volunteer Policy

Colleagues:

I am pleased to provide you with an updated Volunteer Policy that provides further clarification on the definition of volunteers, as well as additional information regarding background checks for volunteers. We hope that this information will provide the support needed to continue best practices for our campus' volunteer programs.

We encourage appropriate campus personnel to review the attached policy. The policy memorandum with attachments ([HR 2015-10](#)) that will be distributed to the HR Officers are attached. Please let us know if you have any questions or concerns.

Warm regards,

Lori

Distribution:

CSU Chancellor
Vice Presidents, Academic Affairs
Vice Presidents, Administration
Vice Presidents, Student Services
Vice Presidents, Development

AVPs/Deans, Faculty Affairs
Human Resources Officers
Payroll Managers
Director, CMS, SOSS
CO Director, Community Service Learning

HR POLICY TITLE:

CSU Volunteer Policy

EFFECTIVE DATE: June 14, 2005

| REVISED DATE: July 10, 2015

POLICY CODE:

HR 2015-10

SUPERSEDES:

HR 2005-26

Policy Contents

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Printed on July 10, 2015. Please visit <http://www.calstate.edu/HRAdm/memos.shtml> for the most current version of the Policy or related document.

POLICY OBJECTIVE

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To provide guidance, clarification, and best practices for CSU volunteer programs.

POLICY STATEMENT

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Introduction

Individuals who volunteer their time and expertise to the CSU provide important services to the CSU and its surrounding communities. In turn, these volunteers gain valuable experience and a sense of personal satisfaction from performing such services. Volunteers, who perform work or provide services to the university without financial gain, have had a long-standing relationship with the CSU. Campuses should make every effort to ensure that they promote a productive, safe, and mutually beneficial environment for CSU volunteers and the respective campuses. The president or his/her designee has the responsibility to manage campus volunteer relationships.

A CSU volunteer may perform work or provide services without compensation for a quarter, semester, academic year, calendar year, session, or any part thereof. Work or services performed may be on an ongoing basis or for a short-term event. CSU volunteers may perform a variety of functions in support of campus activities. Examples of volunteer work include, but are not limited to: volunteers who teach or assist in teaching; volunteers who assist with registration; volunteers working in Health Centers or learning centers; students who volunteer to assist with campus activities; volunteers who drive vehicles on official

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university business such as field trips or athletic events; volunteers who perform general office work; and volunteers who assist at campus events.

The use of volunteers is at the sole discretion of the department for which the volunteer is providing services. Volunteer services may end with or without prior notice at any time the department, in its sole opinion, determines that the services are no longer needed by the department. No length of performance of volunteer services for a specific department or for the CSU shall create any entitlement, right or privilege on the part of any individual to continue providing prospective volunteer services for the CSU. Alternatively, CSU volunteers may discontinue providing their services at any time.

Status as Volunteers

Volunteers are not employees of the California State University (this includes current CSU employees when they are performing volunteer duties, as discussed below), and are therefore not eligible for or entitled to compensation for services, sick leave, vacation accrual, retirement, and/or insurance benefits for their hours of volunteer service. These CSU volunteers do not need to sign the California loyalty oath. CSU volunteers (including CSU employees who volunteer) are eligible for Workers' Compensation and state liability coverage, but the university does not provide Workers' Compensation coverage to student volunteers participating in university-sponsored service programs. See the [University Volunteer Handbook](#) provided by the CSU's Office of General Counsel for more information regarding workers' compensation coverage for CSU volunteers.

A volunteer who renders services of his/her own free will, without remuneration of any kind, does not need to complete an I-9. If a person receives any kind of compensation from a campus for services, a Form I-9 needs to be completed and the person needs to be appointed as an employee. For additional information on I-9 requirements, refer to Systemwide Human Resources' Employment Policies web page at: http://www.calstate.edu/HRAdm/Policies/employment_policies.shtml.

Under no circumstances can a CSU employee begin work as a volunteer before obtaining appropriate work authorization, or before the work authorization verification process is complete. The U.S. Department of Homeland Security Citizenship and Immigration Services (USCIS) has very rigid interpretations of what activities constitute employment. Volunteering for a position which normally provides compensation is considered employment and is, therefore, not permitted without appropriate work authorization.

CSU Employees Who Volunteer

The Fair Labor Standards Act (FLSA) provides that, if a public sector employee (including a CSU employee) is otherwise employed by the agency to perform the same type of services as those for which the individual proposes to volunteer, the employee shall not be considered a volunteer. As such, a CSU employee may not volunteer to take on additional duties related to their primary job for which he/she could be paid. The term "same type of services" shall be defined as any duty or responsibility that is closely related to the duties performed by or responsibilities assigned to the compensated CSU employee. There are no limitations or restrictions imposed by the FLSA on the types of services which a private individual (non-CSU employee) may volunteer to perform for the CSU.

Because volunteer assignments are separate from CSU employment, such assignments shall not affect the employee's regular benefits (e.g., paid time off accrual, service credit, insurance benefits, overtime calculations).

Service Learning Students

CSU students who provide service in connection with an academic course or program may be a type of CSU volunteer in certain circumstances. The community agency for which the student is providing services and the university should develop an agreement that articulates the community agency's agreed upon responsibilities for Workers' Compensation and liability coverage prior to the students' placements. See the University Volunteers Handbook and/or contact the systemwide Center for Community Engagement at <http://www.calstate.edu/cce/> for more information.

Discrimination and Harassment

Volunteers are included as third parties under CSU's policy prohibiting discrimination and harassment set forth in CSU [Executive Order 1096 Revised](#).

Conditions

CSU volunteers must have the necessary training, equipment, and/or supervision to safely carry out the volunteer services. All CSU volunteers must be supervised by CSU staff or faculty as appropriate to the services being performed. Depending on the particular function performed, the volunteer must meet the appropriate licensing or certificate requirements prior to performance of those duties. If the CSU volunteer is authorized to drive a vehicle on official state business, it must be accordance with university policies and procedures, as determined appropriate in accord with the CSU volunteer duties and responsibilities. Under California Government Code Section 3118, volunteers must comply with all rules and regulations applicable to the CSU and the CSU has the obligation to ensure such compliance.

An individual who volunteers services in a field which requires a license or certificate must satisfy that requirement prior to performance of those duties. For example, a medical doctor, volunteering services, must have a current license to practice medicine before volunteering.

Access to University Resources

Departments may provide provisional services (e.g., email, phone) to CSU volunteers for the purposes and duration of the volunteer assignment. All CSU volunteers are prohibited from inferring or projecting an appearance that they are representing or otherwise making statements on behalf of the CSU unless appropriately authorized to do so. Upon completion of their volunteer service, CSU volunteers' access to provisional services must be terminated (except where otherwise permitted by policy, such as the provision of email to emeritus faculty).

CSU volunteers may not:

- Be granted access to or authority over CSU financial accounts or funds; and
- Be granted access to confidential information, unless specifically authorized.

Campuses may issue keys (e.g., to lockers, desks, offices) to volunteers as appropriate to the assignment/project or position responsibilities. Campuses must have procedures in place to determine and monitor the appropriate issuance of keys, ensure that keys are returned at the end of the volunteer assignment, and to ensure that risks to the CSU are mitigated. Under no circumstances are master keys to be issued to volunteers.

Reimbursement of Expenses

CSU policy does not allow for a nominal fee paid to CSU volunteers for services rendered. Although CSU volunteers are not eligible for nominal fees, they are eligible for reimbursement expenses, such as travel expenses and allowances for official State business in accordance with University procedures. Under

Section 553.106 of the Code of Federal Regulations, volunteers may be reimbursed for expenses (this may include reimbursement for tuition or other materials essential to their volunteer training, transportation and meal costs) for their service without losing their status as volunteers.

Other Restrictions

It is not the intent of the CSU that volunteers replace or supplant the work performed by CSU employees (represented or non-represented). As such, CSU volunteers may not be used in full-time, long term assignments. Volunteer assignments are generally expected to be sporadic or of limited duration (e.g., assistance with special events or volunteering on a part-time basis over the course of a term)¹.

AFFECTED EMPLOYEE GROUP(S)/UNIT(S)

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All volunteers, including any CSU employee who volunteers.

IMPLEMENTATION

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Campus Human Resources Officers and/or designee(s) responsible for administering volunteer programs should review the remainder of this Policy Letter for more information. Campuses may be required to revise their volunteer policies accordingly.

PROCEDURES

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Volunteer Process

CSU volunteers are required to sign and date a CSU volunteer identification document that, at a minimum, contains the following information:

- Name, address, telephone number
- Emergency Contact Information
- Age, if the volunteer is a minor
- Assignment, Duties, Department, Supervisor
- Additional information such as social security number or date of birth may be required if necessary to conduct DMV checks (for volunteers who drive vehicles on state business), process travel expense reimbursements, or meet other legal requirement(s). If social security number or date of birth is not needed, the volunteer is not required to provide this information.

An updated document has been provided in Attachment A for campus use and modification, as appropriate. It continues to be important that the identification document be maintained in the campus human resources, payroll or other designated office. A current volunteer does not need to complete a new document if the current assignment was made in accordance with previous appointment policy instructions.

Volunteers Who Are Minors

CSU volunteers may be under the age of 18. If the campus believes the CSU volunteer may be a minor, campuses should ask the volunteer if he/she is 18 years old or older to determine appropriate restrictions. If the CSU volunteer is under 18 years old, the campus should request the volunteer's date of birth to determine specific restrictions.

¹ Note that, per provision 12.29 of the collective bargaining agreement between the CSU and the California Faculty Association, special rules may apply regarding volunteers given teaching assignments.

Although CSU volunteers are not employees, campuses may refer to the CSU Employment of Minors policy for guidelines on restrictions that may apply. This document can be found on Systemwide Human Resources' Employment Policies web page at: http://www.calstate.edu/HRAdm/Policies/employment_policies.shtml.

Any volunteer under the age of 18 must have written permission from a parent or guardian prior to performing volunteer services for the CSU. Refer to Attachment B for a template.

Background Checks

Personal identification, fingerprinting, and/or background checks continue to be required as the campus president or chancellor determines appropriate. Background checks are required for volunteers who perform work involving direct contact with minor children at CSU-hosted recreational camps or who perform duties that would regularly require a background check if performed by CSU employees. Sensitive positions are those designated by the CSU as requiring heightened scrutiny of individuals holding the position, based on potential for harm to children, concerns for the safety and security of people, animals, or property, or heightened risk of financial loss to the CSU or individuals in the university community. Refer to "Sensitive Positions" under [HR 2015-08](#) for a list of key duties and responsibilities associated with sensitive positions. The volunteer is required to pass the background check prior to performing such duties (see Attachment C for a template). Pursuant to [HR 2015-08](#), the results of a criminal records check may subject a current employee to disciplinary action up to and including termination under certain circumstances. See "Effect of Conviction on Current Employee's Continued Employment" under [HR 2015-08](#) for further details.

FORMS/TEMPLATES

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- *Template: Volunteer Identification Form* (see Attachment A)
- *Template: Volunteer Release Form for Minors* (see Attachment B)
- *Template: Background Check Authorization Form for Volunteers* (see Attachment C)

APPENDICES

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- Office of General Counsel's [University Volunteer Handbook](#)
- [HR 2013-03](#): Form I-9 Requirements
- [Executive Order 1096 Revised](#): Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties and Procedure for Handling Discrimination, Harassment and Retaliation Allegations by Employees and Third Parties
- [HR 2004-24](#): CSU Employment of Minors Policy
- [HR 2015-08](#): Background Check Policy

DEFINITIONS

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Volunteer

Section 553.101 of Title 29, Code of Federal Regulations defines a volunteer as "an individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered...during such hours". In addition, an individual shall be considered a volunteer only where his/her services is offered freely and without pressure or coercion, direct or implied, from an employer.

HISTORY & REVISION CONTROL

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Date	By	Action
6/14/2005	HRM	Document revised, HR 2005-26 supersedes HR 2001-38
12/20/2001	HRM	HR 2001-38 supersedes FSA 77-71, FSA 78-79, FSA 85-63, and Technical Letter FSR/WC 86-02

Responsible University Officer:
Vice Chancellor of Human Resources

Policy Owner:
HR Management, HRPPDOS

Questions regarding this HR policy letter should be directed to Systemwide Human Resources at (562) 951-4411 or the campus HR department. This document is available on the Human Resources Management's Website at <http://www.calstate.edu/HRAdm/memos.shtml>.

LL/tl

**California State University
Volunteer Release Form for Minors
Parent Consent Form**

(To be completed and signed by parent/guardian of volunteer if volunteer is under 18 years of age)

Event/Activity: _____ **Date:** _____

Volunteer's Name: _____

Address: _____

Health & Accident Insurance Contact: _____ **Policy #:** _____

Emergency Contact Name: _____ **Phone:** _____

I, _____, being the parent or legal guardian of
_____ (the "Minor") hereby consent to and authorize the Minor to
act as a volunteer for the California State University (CSU) <campus name>.

I acknowledge and agree that activities performed by the Minor as a volunteer will be performed strictly on a voluntary basis, without any pay, compensation, or benefits. I agree and understand that the Minor must comply with the rules and regulations established from time to time by the CSU and that failure to do so may result in the Minor's immediate removal as a volunteer.

I am aware of the nature of the activities to be performed by the Minor as a volunteer. These activities will include, but are not limited to the following type of activities: <describe activities>. I agree that all volunteer activities are to be performed by the Minor at the Minor's risk and I assume full responsibility therefore.

On behalf of myself, the Minor, and our respective heirs and personal representatives, I agree to indemnify and hold the State of California, the Trustees of the California State University, the <campus> and all of its officers, employees, representatives and volunteers free and harmless from and against all claims, damages, losses and expenses, including attorney fees, that my minor child may sustain while participating in the volunteer activity. I hereby release and discharge the CSU and the Trustees of the California State University, the <campus> and all of its officers, employees, representatives and volunteers from any and all claims, demands, causes of action of any nature or cause, for any such injury or damage incurred or suffered by the Minor.

Parent/Legal Guardian Signature

I have carefully read this agreement, waiver and release and fully understand its contents. I am aware that this is a release of liability and a contract between the <campus> and myself and I sign it of my own free will.

Print Full Name: _____

Signature: _____ **Date:** _____

California State University (CSU) Volunteer Background Check Authorization Form

I understand that certain CSU volunteer assignments in sensitive areas require background checks. I also understand that any misrepresentation, falsification, or omission of facts herein may be considered cause for dismissal from any volunteer assignment.

I, _____ (Print name) hereby authorize and request any law enforcement agency, or other persons having personal knowledge about me, to furnish the California State University (CSU) <campus name> or its authorized agent, with information regarding criminal convictions or other information in their possession regarding me in connection with my volunteer role in a sensitive assignment. I agree that a photocopy of this information can be furnished to the CSU, and that it will have the same authority and authenticity as the original.

Campus: _____

Volunteer Participant's Full Name (Printed): _____

Other names used: _____

Signature: _____ Date: _____

STATE PRIVACY NOTICE

The State of California Information Practices Act of 1977 (effective July 1, 1978) requires the CSU to provide the following information to individuals who are asked to supply information about themselves:

- The principle purpose for requesting and collecting the personal information on this form is to conduct background checks. CSU policy and federal statute authorize the maintenance of this information.
- Furnishing all information requested on this form is mandatory.
- The personal information will be kept confidential and used only in accordance with applicable laws.
- The personal information will be given to government enforcement agencies if these agencies request such information, or as otherwise required by law.
- **Information Practices Act Notice (Civil Code § 1798.17)**
- This information is being requested by (name of CSU campus). (Name of campus) is authorized to maintain this information pursuant to Education Code §§ 89500, 89535, (state any other authority relevant here, including any executive orders or coded memoranda.) Submission of the information requested on this form is mandatory. Failure to provide the requested information will mean that you will be ineligible for the position you are seeking. The principal purpose for which this information is to be used is to assist the University in evaluating your eligibility, qualifications, and suitability for the position you are seeking. You have a right of access to records containing personal information maintained by (name of CSU campus). The name, business address and telephone number of the person at (name of campus) who is responsible for maintaining the requested information and will be able to inform you of the location of this information is: (name, address, telephone no.).