

SAMPLE CAPLAW VOLUNTEERING BY NON-PROFIT CAA EMPLOYEES POLICY

Please read carefully. This should not be used by your CAA without reviewing to tailor to your specific policies and state law, as applicable. If your CAA is a public agency, different rules may apply. Check with your agency attorney.

Questions frequently arise about CAA employees volunteering for CAA programs or events. The memo is intended as guidance on when wage and hour laws permit employees to volunteer. As discussed below, there is an important distinction between “exempt employees,” who are paid a set weekly salary, and “non-exempt employees,” who must be paid for every hour worked, including hours paid over 40 per week in accordance with the CAA Personnel Policies Manual.

Exempt employees (“E” on timecard) may “volunteer” for CAA. Exempt employees *may* “volunteer,” i.e. voluntarily work or provide services *unrelated to their regular paid CAA job* responsibilities beyond or outside their regular work hours without additional pay, at CAA events or programs. They will not be paid extra, i.e. above their regular weekly salary, for the hours spent volunteering. Nor will exempt employees earn comp time for volunteering; they should not record these hours on their time card.

- **Example:** The director of CAA’s Human Resources Department may volunteer to prepare tax returns of CAA clients on Thursday evenings at the CAA Family Service Center. He will not receive extra pay or comp time for doing so.

Non-exempt employees (“N” on timecard) may “volunteer” for CAA only under certain conditions. A non-exempt employee may “volunteer,” i.e. provide services in connection with CAA activities for which they are not paid, *only* if *all* of the following requirements are met:

1. The volunteering is truly voluntary, without any direct or implied coercion from CAA, the employee’s supervisor, or anyone else connected with CAA.
 2. The volunteering is outside of the employee’s regular work hours.
 3. The employee has not received any promise of, and has no expectation of, compensation for the volunteer activities.
 4. The volunteer activities in which the employee engages are not similar to the services s/he provides as part of his or her regular CAA employment.
- **Example:** An administrative assistant in the Head Start central office may volunteer to serve food to CAA clients at a Saturday Thanksgiving luncheon hosted by CAA. S/he need not receive extra pay for those hours.

- **Example:** A cook at a Head Start site may not volunteer (i.e. work without pay) to serve food to CAA non-Head Start clients at a Saturday Thanksgiving luncheon hosted by CAA. S/he must be paid extra, out of non-Head Start funds, for the hours worked outside of her regular work day.
- **Example:** A data entry clerk in the CAA Fuel Assistance Program may volunteer without pay to check in guests at the CAA Community Awards dinner from 5:30 to 7:00 p.m. on a Friday night.
- **Example:** An intake worker at a CAA neighborhood service center who reviews client documentation to determine eligibility for programs and assists clients in accessing benefits during the work day may not volunteer without pay to prepare tax returns at that CAA site or any other CAA site on a Saturday morning.

In order to ensure compliance with these requirements, while at the same time encourage volunteer activity by staff where appropriate, please follow these guidelines:

- Make volunteering opportunities available and known to the public at large, or some sector of the public at large, as well as CAA employees. Don't limit any solicitation of volunteers or publicity for volunteering opportunities to just CAA employees.
- In connection with volunteer opportunities, you may promote participation in the volunteer activities by posting paper flyers at CAA buildings and offices, posting notices on the CAA website, sending emails to all CAA employees, and mentioning the activities to groups of employees at meetings, all with instructions to contact the person or department running the program or event seeking the volunteers, rather than the employee's supervisor. However, non-exempt staff may not be required, directed, or pressured to volunteer at CAA events. Supervisors should not individually ask their employees to volunteer.
- Non-exempt employees who "volunteer" at CAA programs or events during their regular working hours must always be paid (out of appropriate funds) for such activities and should therefore record those hours as working time on their time cards, even if the activity is outside of their regular duties, for example, a Housing Assistance Department receptionist (non-exempt) working at a fundraising event on a Tuesday from 9 a.m. to noon. To avoid confusion about whether a "volunteer" activity is paid or not, please only use the term "volunteer" in employee recruitment efforts to refer to activities for which the employee will not be paid.¹ If a non-exempt employee wants to volunteer outside of the regular

¹ To recruit employees to work at events outside of their usual job responsibilities during regular working hours, which they must be paid for, use the term "work," "special assignment," or the like, rather than "volunteer."

work day, the person in charge of the event or program for which the employee would volunteer, should do the following:

- Provide the names and proposed volunteer activities of all such employees to the Director of Human Resources prior to the volunteer activity to determine whether the employee's regular CAA job responsibilities are similar to the activity for which he or she has volunteered.
- If HR determines that the employee's regular duties are not similar to the proposed volunteer activity and it is otherwise permissible for him or her to volunteer, then obtain the employee's signature on the attached form indicating his or her acknowledgement that s/he will not be paid for the volunteer activities and that the activity is truly voluntary.

If you have further questions, please call _____ (x_____).

EMPLOYEE VOLUNTEER FORM (Non-Exempt Employees Only)

Name of Employee _____

Employee's CAA position and department _____

Volunteer event or program, date (s) and time(s) (beginning and ending)

Type of volunteering activity (serving food, for example) _____

I am participating in this activity voluntarily. I understand that I am not required to participate in this volunteer activity and that I will not be paid for the activity.

Signature

Date