

## **Volunteer Service Agreement Form FAQs**

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## **What does the Division of Risk Management do and why are they in charge of the VSA form?**

DRM's mission is to protect the financial assets and operations of the State of Alaska from accidental loss. When a VSA form is completed, the State has accepted liability in the event of an injury. Only certain individuals will meet the necessary criteria to be covered by the State. Through the VSA form, Risk Management can ensure that the appropriate individuals are covered, by deeming them a volunteer, and can ensure that they are not taking on undue risk.

## **Who qualifies to be a volunteer, according to the State?**

An individual who is:

- Is being completely gratuitous and is receiving nothing in return
- Already has the experience, training, and skills to help
- Who will not be taking the place of an employee
- Who will be meeting a specific need of a program

## **What is considered when deciding who is a volunteer?**

Is an employer/employee relationship being formed? If an employer/employee relationship is being formed then this makes the state liable to pay workmen's compensation, in the event of an injury.

## **What qualifies as being gratuitous in the eyes of the state?**

- not receiving money (including stipends)
- not receiving training
- not receiving school credit
- not receiving reimbursements

## **When do I submit a program description to Risk Management?**

If this is the first time your program has applied for approval to have volunteers, then it is likely that Risk Management does not already have a program description on file. The program description should be saved as a separate PDF document from the VSA.

## **What should be included in the program description?**

The program description should include:

- The program name and detailed description of the program
- An explanation of volunteer need
- A detailed description of the duty's volunteers will be performing
- The seasonal dates or months that are needed

## **Can I provide training to my volunteers?**

Volunteers are not eligible to receive training. To qualify as a volunteer, they must already have the training and skill set necessary to complete their tasks.

You may provide training to the individuals who wish to become volunteers. However, they would not be considered volunteers during the training period. And, should an injury occur, the volunteer would not be covered. Dates on which training is provided should not be included in the service term listed on the VSA form because in that point of time, they are not volunteers.

### **Why does it matter if an employer/employee relationship is formed?**

If it is found that there is an employer/employee relationship then the state may be liable to provide worker's compensation for a volunteer, instead of the compensation detailed in the VSA form.

The VSA states that the State is not liable for payment of a penalty, interest, SIF "or other payment in regard to the Volunteer." This means that if the volunteer is receiving any compensation, they are considered an employee and cannot be limited by our VSA form as they have other employee rights and benefits. Once an individual is deemed an employee, the employer cannot contractually limit the employee's entitlement to workers' compensation benefits under the Act.

Under AS 23.30.395(19), an employee is defined as "a person who is not an independent contractor as described by AS 23.30.230 and who, under a contract of hire, express or implied, is employed by the employer". The element most controlling in determining whether volunteer status is met or not is if the work is performed "gratuitously". The preeminent workers' compensation treatise expressly notes that the element of "consideration" to establish an employee/employer arrangement "need not be in money but may be in anything of value". This is why Risk Management must ensure that the individual who wishes to volunteer, is truly doing so voluntarily.

### **How long can an individual be a volunteer?**

The length of the service term should not be a full calendar or fiscal year. This would establish an employer/employee relationship.

### **Who should submit the VSA form?**

Your division should submit the VSA form directly. VSA's should not be submitted by volunteers.

### **If an individual is observing, should a VSA form be completed?**

No, an individual who is observing does not meet the criteria of a volunteer. A volunteer must be actively providing a service that would contribute to the State.

### **The individual I want to volunteer has a Memorandum of Agreement (MOA), Cooperative Education Agreement, or is affiliated with AmeriCorps (or similar volunteer agency), should the VSA form still be completed?**

No, individuals with these forms in place do not meet the criteria to be a volunteer.

Memorandum of Agreement: In this agreement all parties are there on behalf of their respective agency and therefore, are receiving a form of compensation. The MOA should detail how both parties are covered in the case of an injury, by their respective organizations through Workers' Compensation.

Cooperative Education Agreement: this individual is a student or intern and is receiving compensation for their work. The University should provide their own liability and Workers' Compensation coverage under this agreement.

AmeriCorps volunteer: AmeriCorps volunteers receive a living stipend, and this is considered a form of compensation in the eyes of the State.

**Do student interns complete the VSA form?**

No, student interns do not meet the State’s definition of a volunteer. Student interns would receive school credit, education, and/or training if they were to volunteer with the State and this is considered a form of compensation.

High school students in a work-study are considered employees of the state not volunteers.

**How old must you be to volunteer?**

Volunteers must be at least 16. Any minor must follow all child labor laws. Minors are not allowed to travel on a SOA airplane or any chartered plane.

**Can volunteers ride in an aircraft?**

Yes, if it is the only means of transportation available.

**Can volunteers ride in a helicopter?**

No.

**Can volunteers operate a boat?**

Volunteers may operate a small boat. The agency is responsible for providing training on how to use the boat.

A small boat is defined as:

- has inboard or inboard-outdrive motor power of more than 50 horsepower
- it is a sailing vessel with or without auxiliary power, 26 feet or more in overall length
- powered by one or more outboard motors with more than 25 total horsepower
- uses a water jet pump powered by an internal combustion engine as the primary source of propulsion

**Can a volunteer operate a state vehicle (either on highway or off road)?**

Yes. The agency is responsible for providing training on how to operate all equipment and for verifying that the volunteer has a valid driver’s license.

**Can a volunteer use power tools?**

The use of certain power tools can be approved. Please see the preapproved list below:

YES		NO	
Air compressor	Ceramic tile cutter	Alligator shear	Chainsaw
Angle grinder	Heat gun	Circular saw	Bandsaw
Belt sander	Biscuit joiner	Concrete saw	Cold saw
Disc cutter	Disc sander	Crusher	Diamond blade
Diamond tool	Die grinder	Grinding machine	Hedge trimmer
Impact driver	Impact wrench	Scroll saw	Steel cut off saw
Lathe	Lawn mower	Jackhammer	Sabre saw
Jointer	jigsaw	Rotary tiller	Table saw
Leaf blower	Random orbital sander	Miter saw	Reciprocating saw
Nail gun	Nail gun scaler	Rotary saw	

Pneumatic torque wrench	Powder actuated tools	Radial arm saw	
Power wrench	Pressure washer		
Rotary tool	sander		
String trimmer	Wood router		
Thickness planer	Wall chaser		

**Can a non-US citizen volunteer?**

All volunteers must have the appropriate documents to show that they are eligible to work in the U.S.

**What should be done to report a volunteer injury or illness?**

Contact Risk Management immediately. Then, complete a Volunteer Accident Report by going to:

[www.doa.alaska.gov/drm/forms.html](http://www.doa.alaska.gov/drm/forms.html) → “other common forms” → login → click on “volunteeraccrpt”

**My volunteer will be a hunter safety instructor, is additional information needed?**

Yes, please include the following with the VSA:

- State of Alaska Volunteer Qualification Inquiry- Firearm Possession
- A copy of their Instruction Certification (NRA)
- If the volunteer will be teaching hunter education, please provide their HIT number.

**Can the volunteer be reimbursed for food purchases?**

No, this is not considered to be gratuitous. The program may provide food for the volunteer, but they may not reimburse the volunteer for food purchases they made themselves.

**How much time does Risk Management need to review VSAs?**

Risk Management requires 3-5 business days to review VSAs. A volunteer will not be covered in the event of an injury, if they begin volunteering without an approved VSA form.

**Who in Risk Management should the VSA (and program description, if applicable) be submitted to?**

Please email [julia.rodriguez@alaska.gov](mailto:julia.rodriguez@alaska.gov)

**I still have questions, who can I contact?**

Please call Julia Rodriguez at 907-465-2180 or Risk Management’s front desk at 907-465-2180.