



## TEXAS TECH UNIVERSITY

### Operating Policy and Procedure

#### **OP 70.21: Volunteer Workers**

**DATE:** August 24, 2022

**PURPOSE:** Texas Tech University (TTU) offers volunteer programs for the local community for the purpose of providing educational opportunities. The purpose of this Operating Policy/Procedure (OP) is to establish responsibility and policy regarding the appointment of individuals to voluntary, unpaid assignments.

**REVIEW:** This OP will be reviewed in June of even-numbered years by the Associate Vice President for Human Resources and the Office of General Counsel.

#### **POLICY/PROCEDURE**

##### **1. General Policies**

###### **a. Volunteer Worker Defined**

Under [section 3\(e\)\(4\)\(A\) of the Fair Labor Standards Act](#) and [29 C.F.R. §§ 553.101 and 553.103](#), individuals are volunteers, not employees of a public agency, when they meet the following criteria:

- (1) They provide their services for civic, charitable, or humanitarian reasons without promise, expectation, or receipt of compensation for the services rendered, although a volunteer can be paid expenses, reasonable benefits, or a nominal fee to perform such services;
- (2) They offer their services freely and without coercion, direct or implied, from the employer; and
- (3) They are not otherwise employed by the same public agency to perform the same services as those for which they propose to volunteer; in other words, individuals can qualify as volunteers if they either volunteer for different agencies or perform services different from those they are otherwise employed to perform.

Typically, such volunteers serve on a part-time basis and do not displace regular employed workers or perform work that would otherwise be performed by regular employees.

###### **b. Conditions**

- (1) A volunteer worker must be officially approved as a volunteer by the university prior to commencing the work experience, in accordance with the procedure in this OP. Volunteers are not employees of the university and should not be represented as

employees. TTU accepts the service of volunteer workers with the understanding that such service is at the sole discretion of the university. Volunteer workers understand that the university may decide to sever the volunteer's relationship with the university at any time or for whatever reason. Notice of such a decision should be communicated as soon as possible to the volunteer worker's sponsor and Human Resources. Volunteers must comply with all applicable TTU policies and procedures.

- (2) Prior to receiving an assignment of work duties, each prospective volunteer worker must complete an *Adult Volunteer Worker Application* (Attachment A) or, if the applicant is under age 18, a Texas Tech University *Minor Volunteer Worker Application* (Attachment B). A copy of the *Adult Volunteer Worker Application* or *Minor Volunteer Worker Application* must be retained by the sponsoring department and a copy must be sent to Human Resources.
- (3) Prior to beginning a volunteer assignment, each prospective volunteer worker will be required to have a criminal history, sex offender, and violent offender check completed.
- (4) The sponsoring department of each volunteer worker must provide a TTU employee to serve as a sponsor for each volunteer worker. Each volunteer worker will be supervised and receive instruction from their sponsor. Volunteers under the age of 18 shall have supervision present at all times and not be left alone during the scope of their volunteer duties in the workplace. The sponsor and sponsoring department must provide hours of work and a work environment in full compliance with all state and federal labor regulations.
- (5) Each volunteer worker's worksite must be in full compliance with all applicable TTU safety programs, policies, and regulations. The sponsoring department must provide written documentation that these programs, policies, and regulations are followed according to the process in section 2 below. Further, if the volunteer worker performs research functions or works in an area where chemical, biological, or radiation hazards are present, the department must provide written documentation that general and hazard-specific safety training have been completed according to the process in section 2 below.

c. Release

Each volunteer worker who has received an assignment of work duties must execute a copy of the *Volunteer Release Form* (Attachment C) prior to such duties. The *Volunteer Release Form* must be retained by the sponsoring department for the retention period specified in the Texas Tech University Records Retention Schedule (see [OP 10.10 attachment](#)).

## 2. Authorization

- a. The sponsor/sponsoring department must give written consent to authorize each volunteer worker or volunteer worker position. The written authorization must include a position summary, procedure, and materials to be utilized.
- b. If the volunteer worker performs research functions or works in an area where chemical, biological, or radiation hazards are present, Environmental Health & Safety must authorize the volunteer worker's participation in writing. Authorization must include general and hazard-specific safety training for each volunteer worker.

- c. Human Resources must also authorize each volunteer worker or volunteer worker position in writing. Authorization will be granted only if the work experience complies with all applicable requirements of the [Fair Labor Standards Act](#), [Code of Federal Regulations, Title 29](#), and TTU policies and procedures regarding human resources.
- d. The *Volunteer Worker Authorization Sheet* (Attachment D) shall be completed and provided by the sponsoring department to Environmental Health & Safety (for research purposes) and to Human Resources prior to the volunteer commencing the work experience. For all volunteer worker positions, the original of each completed *Volunteer Worker Authorization Sheet* will be forwarded to Human Resources for final approval by the Associate Vice President for Human Resources or his/her designee. Copies will be maintained by Environmental Health & Safety and Human Resources, and the original will be returned to and maintained by the sponsoring department.

### 3. Management

- a. Records

Volunteer workers and appropriate TTU employees are expected to submit all appropriate records and information to the sponsoring department in a timely and accurate fashion.

Volunteer workers' records shall be accorded the same confidentiality as employee personnel records.

- b. Representative of the Institution

Volunteer workers are not representatives of Texas Tech. Volunteer workers must seek consultation and approval from the sponsor who, in turn, must consult the appropriate university official prior to any action or statement that might affect or obligate the university. These actions may include, but are not limited to, public statements to the press, coalition or lobbying efforts with other organizations, or any agreements involving contractual or other financial obligations.

- c. Confidentiality

Volunteer workers are responsible for maintaining the confidentiality of all appropriate or privileged information to which they are exposed while serving as volunteer workers, whether this information involves staff, volunteers, or other persons or involves overall institutional business. Volunteer workers must review [OP 70. 40, Information Privacy and Confidentiality Statements](#). Additionally, a signed *Confidentiality Statement (OP 70. 40 Attachment A)* and a *Confidentiality of Student Information System Records (OP 70. 40 Attachment B)* must accompany the Volunteer packet submitted to Human Resources for approval. Failure to maintain confidentiality could result in ending the volunteer's relationship with the institution.

- d. Worksite

The sponsoring department should establish an appropriate workstation for volunteer workers prior to commencing the work experience. This workstation should contain necessary facilities, equipment, and space to enable the volunteer worker to perform his/her duties.

#### 4. Minors

Individuals under age 18 may be enrolled as a volunteer worker with written consent of a parent or guardian. Minor applicants must complete the *Minor Volunteer Worker Application* prior to commencing a volunteer worker experience. The assignment of volunteer workers under age 18 will be in non-hazardous environments, in compliance with federal labor standard [29 CFR 570, Child Labor Regulations, Orders and Statements of Interpretation](#), as well as all applicable TTU policies and procedures regarding minors in work environments. Minor volunteer workers must receive the signature of a parent or guardian on the *Volunteer Release Form*.

#### 5. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees or volunteer workers.

#### 6. Authoritative References

[Code of Federal Regulations, Title 29, Chapter V, Part 570](#)

[Code of Federal Regulations, Title 29, Chapter V, Subpart 553.100 & 553.101](#)

[Texas Government Code, Section 552.002](#)

[Regents' Rules, Section 04.03 and 04.04](#)

[Family Education Rights and Privacy Act](#)

[Gramm-Leach-Bliley Act](#)

[Attachment A: \*Adult Volunteer Worker Application\*](#)

[Attachment B: \*Minor Volunteer Worker Application\*](#)

[Attachment C: \*Volunteer Release Form\*](#)

[Attachment D: \*Volunteer Worker Authorization Sheet\*](#)