

**"CHAPTER 90
STATE POLICY CONCERNING THE UTILIZATION OF
VOLUNTEER SERVICES**

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Volunteer emergency medical disaster response personnel, see §321-23.

Volunteer service (immunity), see chapter 662D.

" **§90-1 Definitions.** As used in this chapter, unless the context requires otherwise:

The term "agency" means any state agency within the executive, legislative, and judicial branches, the office of Hawaiian affairs, and any agency within the executive and legislative branches of the several counties.

"Material donor" means any person who of the person's own free will provides funds or materials to an agency.

"Occasional-service volunteer" means any person who offers to provide a one-time, on call or single task service to an agency without receipt of any compensation, except as provided in this chapter.

The term "person" means any individual or organization.

"Regular-service volunteer" means any person engaged in specific voluntary service activities on an on-going or continuous basis to an agency without receipt of any compensation, except as provided in this chapter.

"Stipended volunteer" means any person who by receiving a support allowance is then able to provide voluntary service to an agency. The allowance may be for food, lodging, or other personal living expenses and does not reflect compensation for work performed.

The term "volunteer" means any person who of the person's own free will provides goods or services to an agency with no monetary or material gain and includes material donors, occasional-service, regular-service, and stipended volunteers. Without limiting the generality of the foregoing, the term "volunteer" specifically includes any health care provider accepted in writing by the department of health as a "volunteer" who provides free medical or dental treatment, diagnosis, or advice to indigent and medically underserved patients, whether acting individually or in cooperation with a nonprofit organization. [L 1978, c 10, pt of §2; am L 1982, c 137, §2; gen ch 1985; am L 1994, c 250, §1; am L 1998, c 295, §1]

" **§90-2 Scope of chapter; status of volunteers.** (a) An agency may recruit, train, and accept the services of volunteers.

(b) No person shall on the basis of sex, age, race, color, ancestry, religion, national origin, marital status, physical or

mental handicap, or political grounds, be excluded from participation in, or be denied the benefits of, any volunteer program or volunteer activity.

(c) Volunteers recruited, trained, or accepted by an agency shall be excluded from any provision of law relating to state or county employment, from any collective bargaining agreement between the State and counties, with any employees' association or union, from any law relating to hours of work, rates of compensation, leaves, and employee benefits, and from any other provision of title 7, except those consistent with this chapter.

(d) An agency may reimburse volunteers for expenses, consistent with the provisions of section 90-4, as deemed necessary to assist volunteers in performing their services.

(e) An agency may designate a person or establish a position to coordinate and administer the volunteer activities of that agency. [L 1978, c 10, pt of §2; am L 1998, c 295, §2]

" **§90-3 Rights, responsibilities, and expectations in volunteer relationships.** (a) Every person regardless of his present economic condition, race, color, ancestry, political affiliation, religious affiliation, sex, age, physical or mental handicap, or marital status has the right to volunteer his services to an agency. An agency has the right to decline any voluntary offer of services, or if accepted, to release subsequently the volunteer who is no longer needed or who is found to be unacceptable.

(b) A volunteer providing services to an agency may expect:

- (1) That he will be assigned a job that is worthwhile and challenging, and which permits him the freedom to use existing skills or develop new ones.
- (2) That he will be trusted with information that will help him carry out the assignment.
- (3) That he will be kept informed about what is going on in the specific volunteer areas.
- (4) That he will be provided orientation, training, and supervision for the job he accepts so he will know why he is being asked to do a particular task.
- (5) That his time will not be wasted by lack of planning, coordination, and cooperation within the organization.
- (6) That he will receive feedback as to whether his work is effective and how it can be improved.
- (7) That he will be reimbursed for out-of-pocket costs if it is the only way he can volunteer.
- (8) That he will receive letters of recommendation and reference from his supervisor upon request.

- (9) That he will be given appropriate recognition for his volunteer services.
- (10) That he will be provided a designated supervisor.
- (c) A volunteer providing services to an agency has the responsibility to:
 - (1) Accept assignments given to him.
 - (2) Fulfill his commitment or notify the designated person of his change of plans.
 - (3) Follow guidelines and policies established by the agency.
 - (4) Respect the values and beliefs of others.
 - (5) Use time wisely and not interfere with the job performance of others.
 - (6) Provide feedback, suggestions, and recommendations to his supervisor regarding the program.
 - (7) Be considerate, respect competencies, and work as a member of a team with staff and other volunteers.
- (d) The agency utilizing the services of volunteers may expect:
 - (1) That the volunteer will fulfill his assignment as agreed upon or will notify staff sufficiently in advance if he cannot complete it.
 - (2) That the volunteer will not go beyond his competencies and authority.
 - (3) That the volunteer will submit feedback, suggestions, and recommendations about the program to his supervisor.
 - (4) That the volunteer will maintain confidentiality and will respect and treat the recipients of volunteer services with dignity.
- (e) The agency utilizing the services of volunteers has the responsibility to:
 - (1) Use volunteers to extend services without displacing paid employees.
 - (2) Provide each volunteer with a designated supervisor.
 - (3) Provide staff orientation and training in the use and supervision of volunteers.
 - (4) Define volunteer jobs that are meaningful to the volunteer and commensurate with his abilities.
 - (5) Be alert to assignments for handicapped or disabled volunteers.
 - (6) Make it possible for a volunteer to serve on a trial or probationary basis for a specified period.
 - (7) Provide orientation and training to improve the volunteer's skills.
 - (8) Provide volunteers with clear instructions and an adequate work space.

- (9) Accept the volunteer as part of the team, including him in training and staff meetings that pertain to his work.
- (10) Establish and communicate clearly defined lines of supervision so that the volunteer knows to whom he is responsible.
- (11) Provide appropriate recognition and appreciation to the volunteer.
- (12) Provide written guidelines governing the recruitment, screening, utilization, and supervision of volunteers.
- (13) Recognize an applicant's prior volunteer service in evaluating fulfillment of training and experience requirements for state employment pursuant to rules adopted by the department of human resources development, the judiciary, and the board of regents of the University of Hawaii.
- (14) Provide funds for volunteer benefits as specified in section 90-4.
- (15) Provide recognition of paid staff for support and supervision of volunteers. [L 1978, c 10, pt of §2; am L 1994, c 56, §21]

" **§90-4 Volunteer benefits.** Volunteer benefits shall be provided within the limits of an agency's budget as follows:

- (1) Meals may be furnished without charge or the cost thereof may be reimbursed to volunteers serving the agency.
- (2) Lodging may be furnished temporarily without charge or the cost thereof may be reimbursed to volunteers.
- (3) Transportation reimbursement including parking fees, bus and taxi fares may be furnished to volunteers. Mileage reimbursement when provided for shall be furnished at a rate comparable to that of permanent employees performing similar duties. Volunteers may be authorized to use state vehicles in the performance of official state duties.
- (4) Solely for the purposes of chapter 662, volunteers are hereby deemed "employees of the State", when acting for an agency in their capacity as volunteers.
- (5) Out-service training and conference reimbursement may be furnished for volunteers.
- (6) Personal liability insurance coverage may be furnished for volunteers.
- (7) Reasonable expenses incurred by volunteers in connection with their assignments may be reimbursed.

- (8) Recognition of volunteer service may include a recognition ceremony, certificates, and awards to be determined by the agency. [L 1978, c 10, pt of §2]

Attorney General Opinions

Budgetary limitation does not appear to apply to paragraph (4) in same manner as other listed paragraphs. Att. Gen. Op. 85-8.

" **§90-5 Agency reports, required information.** A state agency as part of its annual report to the governor, the legislature, or the chief justice shall include estimates of:

- (1) The total number of volunteers and the total number of hours of service broken down into categories of regular-service volunteers, occasional volunteers, stipended volunteers, and material donors.
- (2) A list of volunteer job titles used by the agency. [L 1978, c 10, pt of §2; am L 1998, c 295, §3]