Volunteer is defined as an individual who performs hours of service for The University of Montana - Missoula for civic, charitable, or humanitarian reasons. These services are performed without promise, expectation, or receipt of compensation for services rendered. As defined in the Fair Labor Standards Act, an individual is considered a volunteer if:

1. The individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
2. Such services are not the same type of services which the individual is employed to perform.

Individuals who do not meet the employment eligibility requirements, (i.e. they are underage, they do not have a visa that permits employment, etc.) cannot be volunteers.

Volunteers may not be used to circumvent wage and hour laws, classification or pay plan rules, or collective bargaining agreements.

Nominal fee is not substitute for compensation and may not be tied to productivity. When determining if an amount given is "nominal", a number of factors will be considered: the time and effort expended by the volunteer, the distance traveled by the volunteer, and whether the volunteer provides services as needed or throughout the year.

1. Volunteers are ineligible for benefits. In the event a volunteer is subsequently hired as an employee of The University of Montana - Missoula, volunteer service shall not be considered prior employment for purposes of determining benefits eligibility, rate of pay, or any other employment condition based upon length of service.

2. The duration of volunteer service by an individual is unlimited.

3. Volunteer service may be terminated at any time by the volunteer or The University of Montana - Missoula.

4. The following conditions must be met for University employees to volunteer services to the University:
   A. The volunteer service does not take place during the employee's regular work hours;
   B. The duties performed are substantially different from those performed as an employee;
   C. Volunteer services must be provided to a University department other than the employing department;
   D. The volunteer time is insubstantial in relation to the employee's paid work time; and
   E. No University employee is displaced as a result of the voluntary service.

5. Volunteers may be reimbursed for nominal out-of-pocket fees. Payment of an hourly rate establishes an employer-employee relationship and is prohibited.

6. Volunteers are covered for liability in accordance with the Tort Claims Act, Title 2, Section 9, chapters 1-3, Montana Code Annotated while working in the course and scope of their duties in connection with The University of Montana. Departments must keep track of each volunteer and a description of the job the volunteer is performing by completing the volunteer form at the following link: [http://www.umt.edu/research/EHRM/riskmanagement/default.php](http://www.umt.edu/research/EHRM/riskmanagement/default.php) under forms and turning it in to the Risk Manager at Environmental Health and Risk Management. Departments should notify Environmental Health and Risk Management immediately if a volunteer is injured in the course of their service.