

Effective 7/1/2024

67-20-2 Definitions.

As used in this chapter:

- (1) "Agency" means:
 - (a) a department, institution, office, college, university, authority, division, board, bureau, commission, council, or other agency of the state;
 - (b) a county, city, town, school district, or special improvement or taxing district; or
 - (c) any other political subdivision.
- (2) "Compensatory service worker" means a person who performs a public service with or without compensation for an agency as a condition or part of the person's:
 - (a) incarceration;
 - (b) plea;
 - (c) sentence;
 - (d) diversion;
 - (e) probation; or
 - (f) parole.
- (3) "Emergency medical service volunteer" means an individual who:
 - (a) provides services as a volunteer under the supervision of a supervising agency or government officer; and
 - (b) at the time the individual provides the services described in Subsection (3)(a), is:
 - (i) an emergency medical technician volunteer, a paramedic volunteer, an ambulance volunteer, a volunteer firefighter, or another volunteer provider of emergency medical services; and
 - (ii) acting in the capacity of a volunteer described in Subsection (3)(b)(i).
- (4) "FLSA aggregate amount" means, except as otherwise required by the United States Department of Labor, the aggregate amount of nominal fees that a supervising agency may pay a volunteer, generally not exceeding 20% of the total compensation that the supervising agency would pay a full-time employee providing the same services as the volunteer.
- (5) "IRS aggregate amount" means the fixed or determinable income aggregate amount described in 26 C.F.R. Sec. 1.6041-1(a)(1)(i)(A).
- (6) "Nominal fee" means a fee described in 29 C.F.R. Sec. 553.106(e).
- (7) "Reasonable benefits" includes, in accordance with 29 C.F.R. Sec. 553.106, liability insurance, health insurance, life insurance, disability insurance, workers' compensation, a pension plan, a length of service award, personal property tax relief, and utility bill discounts or credits.
- (8)
 - (a) "Volunteer" means an individual who donates service without pay or other compensation except the following, as approved by the supervising agency:
 - (i) expenses actually and reasonably incurred;
 - (ii) a stipend for future higher education expenses, awarded from the National Service Trust under 45 C.F.R. Secs. 2526.10 and 2527.10;
 - (iii) costs for attending classes, conferences, or association meetings related to services provided by a volunteer, including:
 - (A) tuition;
 - (B) costs for books, supplies, or other training materials; and
 - (C) travel, housing, and meals, in accordance with travel policies of the supervising agency;
 - (iv) a nominal fee below the FLSA aggregate amount for a volunteer described in 29 C.F.R. Sec. 553.106, or a stipend below the IRS aggregate amount for all other volunteers, for:

- (A) emergency volunteers, including emergency medical service volunteers, volunteer safety officers, and volunteer search and rescue team members; or
- (B) non-emergency volunteers, including senior program volunteers and community event volunteers;
- (v) as it relates to a volunteer described in 29 C.F.R. Sec. 553.106, reasonable benefits;
- (vi)
 - (A) health benefits provided through the supervising agency; or
 - (B) for a volunteer who participates in the Volunteer Emergency Medical Service Personnel Health Insurance Program described in Section 53-2d-703, health insurance provided through the program;
- (vii) passthrough stipends or other compensation provided to volunteers through a federal or state program, including Americorp Seniors volunteers, consistent with 42 U.S.C. Sec. 5058;
- (viii) stipends or other compensation, below the IRS aggregate amount, provided to volunteers from any person;
- (ix) uniforms, identification, personal protective equipment, or safety equipment used by a volunteer only while volunteering for the supervising agency;
- (x) a nonpecuniary item not exceeding \$50 in value;
- (xi) nonpecuniary items, below the IRS aggregate amount, donated to the supervising agency with the express intent of benefitting a volunteer;
- (xii) gifts, not exceeding \$50 in value, provided as part of a volunteers appreciation event by the supervising agency; or
- (xiii) meals, not exceeding a value of \$50 per person based on anticipated attendance, provided to a volunteer by the supervising agency:
 - (A) as part of a volunteer appreciation event; or
 - (B) while the volunteer is engaged in providing volunteer service.
- (b) "Volunteer" does not include:
 - (i) a person participating in human subjects research to the extent that the participation is governed by federal law or regulation inconsistent with this chapter; or
 - (ii) a compensatory service worker.
- (c) "Volunteer" includes a juror or potential juror appearing in response to a summons for a trial jury or grand jury.
- (9) "Volunteer facilitator" means a business or nonprofit organization that, from individuals who have a relationship with the business or nonprofit organization, such as membership or employment, provides volunteers to an agency or facilitates volunteers volunteering with an agency.
- (10) "Volunteer safety officer" means an individual who:
 - (a) provides services as a volunteer under the supervision of an agency; and
 - (b) at the time the individual provides the services to the supervising agency described in Subsection (10)(a), the individual is:
 - (i) exercising peace officer authority as provided in Section 53-13-102; or
 - (ii) if the supervising agency described in Subsection (10)(a) is a fire department:
 - (A) on the rolls of the supervising agency as a firefighter;
 - (B) not regularly employed as a firefighter by the supervising agency; and
 - (C) acting in a capacity that includes the responsibility for the extinguishment of fire.
- (11) "Volunteer search and rescue team member" means an individual who:
 - (a) provides services as a volunteer under the supervision of a county sheriff; and

- (b) at the time the individual provides the services to the county sheriff described in Subsection (11)(a), is:
- (i) certified as a member of the county sheriff's search and rescue team; and
 - (ii) acting in the capacity of a member of the search and rescue team of the supervising county sheriff.

Amended by Chapter 25, 2023 General Session

Amended by Chapter 310, 2023 General Session

Amended by Chapter 330, 2023 General Session