

## Chapter 20 Volunteer Government Workers Act

### 67-20-1 Short title.

This chapter is known as the "Volunteer Government Workers Act."

Amended by Chapter 136, 1986 General Session

### 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

**67-20-3 Purposes for which a volunteer is considered a government employee -- Limitations of liability for volunteer facilitators.**

- (1) Except as provided in Subsection (2) or (3), a volunteer is considered a government employee for purposes of:
  - (a) receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act;
  - (b) the operation of a motor vehicle or equipment if the volunteer is properly licensed and authorized to do so; and
  - (c) liability protection and indemnification normally afforded a paid government employee.
- (2)
  - (a) A supervising agency shall provide workers' compensation benefits for a volunteer safety officer as provided in Section 67-20-7.
  - (b) A volunteer safety officer is considered an employee of the supervising agency of the volunteer safety officer for purposes of Subsections (1)(b) and (c).
- (3)
  - (a) The county of a county sheriff that certifies and supervises a volunteer search and rescue team member shall provide workers' compensation benefits for the volunteer search and rescue team member as provided in Section 67-20-7.5.
  - (b) For purposes of Subsections (1)(b) and (c), a volunteer search and rescue team member is considered an employee of the county of the county sheriff that certifies and supervises the volunteer search and rescue team member.
- (4) A volunteer facilitator is immune from liability for damages or injuries arising out of or related to the volunteer service of a volunteer provided by the volunteer facilitator to an agency, unless:
  - (a) an action or omission of the volunteer facilitator is grossly negligent, not made in good faith, or made maliciously, and causes harm to a person or property; or
  - (b) the volunteer facilitator fails to exercise due diligence in determining the fitness of a volunteer to provide voluntary service to the agency under circumstances that make the volunteer facilitator's failure to exercise due diligence grossly negligent, not in good faith, or malicious.

Amended by Chapter 346, 2022 General Session

**67-20-4 Approval of volunteer.**

- (1) Except as approval is provided under Subsection (2), a volunteer may not donate any service to an agency unless the volunteer's services are approved by the chief executive of that agency or an authorized agency representative.
- (2) When the county sheriff determines that a search and rescue emergency situation exists that requires law enforcement action, the county sheriff may approve a volunteer who offers to donate a service for any law enforcement related activity conducted in response to the emergency situation.

Amended by Chapter 346, 2022 General Session

**67-20-6 Compensatory service worker workers' compensation medical benefits.**

A compensatory service worker is considered a government employee for purposes of receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under:

- (1) Title 34A, Chapter 2, Workers' Compensation Act; and
- (2) Title 34A, Chapter 3, Utah Occupational Disease Act.

Amended by Chapter 185, 2002 General Session

**67-20-7 Workers' compensation benefits for a volunteer safety officer.**

- (1) A volunteer safety officer is considered an employee of an agency that supervises the volunteer safety officer for the purpose of receiving workers' compensation benefits under:
  - (a) Title 34A, Chapter 2, Workers' Compensation Act; and
  - (b) Title 34A, Chapter 3, Utah Occupational Disease Act.
- (2)
  - (a) In accordance with Section 34A-2-105, the workers' compensation benefits described in Subsection (1) are the exclusive remedy against the supervising agency, or an officer, agent, or employee of the supervising agency, for all injuries and occupational diseases resulting from the volunteer safety officer's services for the supervising agency as a volunteer safety officer.
  - (b) For purposes of Subsection (2)(a), the supervising agency for whom the volunteer safety officer provides services as a volunteer safety officer is considered an employer of the volunteer safety officer.
- (3) To compute the workers' compensation benefits for a volunteer safety officer described in Subsection (1), the average weekly wage of the volunteer safety officer shall be the state's average weekly wage at the time of the industrial accident or occupational disease that is the basis for the volunteer safety officer's worker's compensation claim.

Amended by Chapter 36, 2002 General Session

Amended by Chapter 185, 2002 General Session

Amended by Chapter 250, 2002 General Session

**67-20-7.5 Workers' compensation benefits for a volunteer search and rescue team member.**

- (1) A volunteer search and rescue team member is considered an employee of the county of the county sheriff that certifies and supervises the volunteer search and rescue team member for the purpose of receiving workers' compensation benefits under:
  - (a) Title 34A, Chapter 2, Workers' Compensation Act; and

(b) Title 34A, Chapter 3, Utah Occupational Disease Act.

- (2)
- (a) In accordance with Section 34A-2-105, the workers' compensation benefits described in Subsection (1) are the exclusive remedy against the county of the supervising county sheriff or an officer, agent, or employee of the county or supervising county sheriff, for the injuries and occupational diseases resulting from the volunteer search and rescue team member's services for the supervising county sheriff as a volunteer search and rescue team member.
  - (b) For purposes of Subsection (2)(a), the county of the supervising county sheriff for whom the volunteer search and rescue team member provides services as a volunteer search and rescue team member is considered an employer of the volunteer search and rescue team member.
- (3) To compute the workers' compensation benefits for a volunteer search and rescue team member described in Subsection (1), the average weekly wage of the volunteer search and rescue team member for purposes of the volunteer search and rescue team member's workers' compensation claim is the average weekly wage of an entry-level deputy sheriff employed by the supervising county sheriff at the time of the industrial accident or occupational disease.

Enacted by Chapter 248, 2011 General Session

**67-20-8 Volunteer experience credit.**

- (1) State agencies shall designate positions for which approved volunteer experience satisfies the job requirements for purposes of employment.
- (2) When evaluating applicants for those designated positions, state agencies shall consider documented approved volunteer experience in the same manner as similar paid employment.
- (3) The Division of Human Resource Management shall make statewide rules governing the:
  - (a) designation of volunteer positions; and
  - (b) a uniform process to document the approval, use, and hours worked by volunteers.

Amended by Chapter 344, 2021 General Session