

Frequently Asked Questions

Forest Service Volunteer Program

1. Why do we need a Volunteer Agreement?

Prior to passage of the Fair Labor Standards Act, the Forest Service could accept volunteer labor with “a handshake”. The Fair Labor Standards Act states that anytime you suffer, permit, or allow a person to perform labor, you incur a wage obligation. The passage of the Forest Service Volunteer Act, PL 92-300 was necessary to give the agency the authority to accept donated labor when we have a properly signed volunteer agreement in force.

2. Which agreement should be used to sign up a volunteer?

(FS-1800-7) Agreement for Individual Voluntary Services

The FS-1800-7 is typically used to sign up an individual volunteer who wishes to give personal time and talent to advance the mission of the Forest Service and who receives no salary or wages from the Forest Service for the voluntary service.

(FS-1800-8) Agreement for Sponsored Voluntary Services

The FS-1800-8 is the operative agreement that is typically used to sign up those institutions, organized groups or state and local governments that wish to offer personal time and talent to advance the mission of the Forest Service and who also receive no salary from the Forest Service for the voluntary service.

3. Who can volunteer?

Individuals of any age are eligible to sign up as a volunteer. However, individuals under the age of 18 need parental or guardian written permission to participate. Also, in accordance with Child Labor Laws, there are a variety of restrictions on the type of work that may be performed by these young volunteers.

4. Do we need to do background checks on potential Volunteers?

Not usually, but you should get references for potential volunteers who may be placed into sensitive positions. Check with these references.

If a background check seems warranted, advise the volunteer that you need to perform the check, secure their permission, and turn the investigation over to your Law Enforcement staff.

5. Can volunteers fight fire?

No. Volunteers cannot fight fire. They can, however, volunteer to attend “fire school,” meet any requirements for their fire position (such as the step test), and then be picked up as an AD (casual) fire fighter for emergency fire fighting purposes only.

Volunteers already signed up with the Forest Service may receive fire fighting training as volunteers if it is incidental to their work assignment. Individuals cannot be recruited as volunteers solely for the purpose of providing them firefighting training.

Volunteers who may end up in fire positions should have the following statement on their volunteer agreement:

“If the volunteer is converted to casual firefighter status, this agreement will be suspended during that time period. After each period of casual fire fighting, this agreement will again be in full effect.”

If you have a non-local volunteer who is converted to casual firefighter status, you will need to prorate their weekly reimbursement for the period of time they were firefighters and not in volunteer status.

It is critical to work with you fire folks to insure that they are aware if you have volunteers who are qualified and available for fire assignments and that volunteers are picked up properly. Whoever hires the person for fire duty is responsible for determining the AD pay rate and completing the appropriate forms to put the person in pay status as an AD firefighter.

If you have an international trainee/volunteer, be sure to check on the current rules to see if they are eligible for fire duty. The rules for international trainee/volunteers have undergone some major changes, so do not assume because it was okay two years ago, that it is now.

6. **What is the direction concerning volunteers using chainsaws?**

For volunteers it is strongly recommended that they have prior experience and skill with saws before they are signed to an agreement in which they will be operating a chain or cross cut saw. To train an inexperienced individual to be competent and safe in the operation of a saw takes time and resources that are not generally available. The S-212 saw course is a mandatory 32 hour course requirement for individuals who have “NEVER” operated a chainsaw. This course is complete with classroom and field training by a certified instructor that addresses appropriate policy, direction, bind, tension, compression, and safe operating procedures. A Class B certification allows cutting and bucking of material up to 24” in diameter. One also needs to define what falling is. Generally anything less than 10’ tall and 6” in diameter is considered brushing. Anything in excess of this would be considered falling.

Certifying those with prior experience can be done while performing the work they are assigned or in a one day session.

7. **Can volunteers use crosscut saws?**

When it comes to using crosscut saws, the hazards present in the material being cut are exactly the same as those present when using a chainsaw, although the technique for dealing with them may be somewhat different. Instead of having two policies, crosscut saws were covered in the R6 supplement this way: FSH 6709.48e. Crosscut Saws: The minimum training for crosscut saws will be the Class B certification requirements that include the principle of cutting and bucking. Additional training will address specific use and operation of the crosscut saw. This does not mean that they need to be a certified chainsaw operator but they do need to know and

demonstrate how to identify binds, and other hazards present in different bucking and cutting situations at the B level (material 24" dbh) along with how to safely mitigate them. This information is in the S-212 saw course, the Chain Saw & Crosscut course from MTDC.

8. Do volunteers need to wear the same Personal Protective Equipment and be certified under the Forest Service chain saw / cross cut saw program to operate saws?

The applicable sections of the Forest Service Health and Safety Code, Occupational Safety and Health Administration regulations and accident reporting apply for volunteers the same as for regular employees

9. Can a member of a volunteer group become a chainsaw instructor at the discretion of the Forest's lead program instructor?

Yes. If an individual demonstrates the skill and knowledge needed to be an instructor they can do the certifications for their group under the guidance of the local instructor.

They would have the same responsibilities and duties as any FS instructor:

- Understand and convey FS policy and direction.
- Application of safe operating procedures.
- Proper use of PPE.
- Accurately filling out and validating evaluation forms.
- Keeping local FS instructor informed of all activities.

10. What is the responsibility of a certified volunteer sawyer?

As a certified Class B sawyer of the U.S. Forest Service, your certification is stating that you have demonstrated and can safely operate a chain saw and know all appropriate safety procedures and operating guidelines. It should also be clear that the saw operator is agreeing to operate within their certification and follow all procedures and guidelines and apply all safety protocol provided by the instructor during training

11. How long is saw certification good for?

This certification is a one-year certification that requires an annual refresher if you wish to continue as a volunteer sawyer on the National Forest.

12. Can a volunteer sawyer work alone?

No! Nor should your supervisor expect you to work alone. 29 CFR 1910.266(d)(6)(iii) states "Each employee/volunteer performing a logging operation at a logging work site shall work in a position or location that is within visual or audible contact with another employee.

13. Should a volunteer be required to obtain a medical exam?

The Forest Service officer authorized to negotiate and approve volunteer agreements shall determine the necessary qualifications for each volunteer assignment. The volunteer's health and physical condition must be sufficient to permit the use of the volunteered services without

causing anyone undue hazard. This requirement is not intended to discourage applications from handicapped persons. In fact, units should encourage handicapped persons to apply.

Because safety awareness and reassuring that every volunteers experience is a positive experience in a safe working environment, some volunteers may be required to obtain a medical examination at Forest Service expense (FSM 1832.11).

14. **Can a volunteer wear a uniform?**

The Forest Service uniform, costumes, period dress for interpretive demonstrations or volunteer vests may be furnished at the discretion of the authorized line officer. To determine which volunteer shall be in uniform, use the same criteria used when determining which employees should be in uniform. **Do not issue any volunteer a Forest Service badge.** Volunteers wearing Forest Service uniforms shall wear a volunteer patch on the right sleeve. See FSM 6159 for specific information on volunteers in uniform. (FSM 1833.4)

If a uniform, costume or periodic dress is required, it should be furnished. This means that departments with a volunteer work force that is required to wear uniforms will need to acquire a variety of sizes. Also, if a uniform is required, the uniform must be complete – not a uniform shirt with blue jeans and a district baseball cap!

15. **What about volunteer injuries, deaths, liabilities, and compensation?**

The agency has the authority to cover volunteers with the Tort Claims Act, Federal Employees Compensation Act for injuries and authorized reimbursement to volunteers for incidental expenses. (FSM 1830.1)

In addition, The Wildfire Disaster Recovery Act of 1989, (Public Law 101-286), dated May 9, 1990 16 USCA a SEC. 204 amended Section 3 of the Volunteers in the National Forests Act by adding the following subsection: "(d) For the purpose of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a federal employee, and the provisions of 31 U.S.C. 3721 shall apply." Volunteers may assist in all Forest Service programs or activities except law enforcement.

16. **Do Volunteers get safety training and orientation?**

Quality supervision includes making sure the volunteer has enough information to become oriented to Forest Service policies and “way of doing business.” Give your volunteer a clear understanding of the project, plus methods they can use to succeed in their role as a Forest Service volunteer.

Ensure that he or she receives the training that will allow them to do their job adequately. Formal training offered to a volunteer must be advantageous to the government to advance the mission of the Forest Service. The volunteer agreement should state purpose and reimbursement of costs if appropriate. If travel is to be accomplished by common carrier a Form AD-202 is needed.

Safety is of utmost importance with volunteers as well as with employees. Be sure that you, your line officer, and anyone supervising volunteers has considered the risks, planned for appropriate training, and follows through with technical training and orientation to volunteers. FSM 1834.2 states: “Ensure volunteers receive the necessary training to enhance their service. Each volunteer shall receive training in safe practices before and during assigned tasks.”

17. **What is needed when a volunteer chooses to use their own equipment, i.e. horse, photographic, or scuba, when performing work for the Forest Service?**

The equipment should be signed up on an Equipment Rental Agreement through the procurement staff. The liability for the equipment would be covered under the clauses of this agreement.

Employees and managers are advised to be aware of their individual responsibilities to ensure privately-owned personal property being used for official purposes is necessary, justified and covered by a written and signed contract, lease or agreement, prior to the property being put to use. Such agreements should specify the condition under which the owner will be compensated for loss of damage, maintenance responsibility and the value of each item included in the agreement. Failure to do so will void the Agency of any liabilities for loss or damage.

18. **Is there some kind of "stipend" for volunteers for specific kinds of work authorized (this would be in addition to allowance for meals, mileage, and travel)?**

No. The Volunteers in the National Forests Act of 1972 specifically states: "...the services of individuals without compensation as volunteers for and in aid of..." Any "stipend" would be considered compensation.

19. **Can volunteers receive reimbursement?**

Yes. Volunteers are eligible to be reimbursed **out-of-pocket expenses related to transportation, food, lodging and certain miscellaneous expenses that are "necessary, reasonable, and arise as a result of the voluntary work."**

It is not possible to reimburse ALL out of pocket expenses that a volunteer might incur – only those associated with lodging, food, and allowable miscellaneous expenses.

20. **What happens when a volunteer has an accident?**

A signed and dated volunteer agreement is the first step to protecting your volunteer from unexpected accidents. The FS-1800-7 (Agreement for Individual Voluntary Services) reassures us that the Agency will **"Consider you as a federal employee for the purpose of tort claims and compensation for work injuries."** The FS-1800-8 (Agreement for Sponsored Voluntary Services) also offers this reassurance, but also adds that it will only cover **"to the extent not covered by the sponsor."**

The immediate completion of a CA-1 in the event of an accident provides for a smoother and more expedient determination by OWCP (Office of Workman's Compensation Programs). Although OWCP has the final determination, for claims on work – related injuries, some common examples are given below to share some past problems and false assumptions many of us have made.

"Who Is Covered" in a Sponsored Group

Through the sponsored volunteer agreement, form FS-1800-8, the Forest Service agrees to consider the participants **"as a federal employee for the purpose of tort claims and compensation for work injuries to the extent not covered by the sponsor."**

This means that if an injury occurs to a volunteer who is signed up on a sponsored agreement (generally a member of an organized group), the Forest Service covers the accident only after any insurance the group has been exceeded.

A significant part of the sponsored agreement is the list of participants and hours worked that must be attached and updated for each activity, event or day worked.

Before a “group” is signed up on a sponsored volunteer agreement insure that you are dealing with an entity which has the legal authority to make an agreement for its members or participants and who is willing to take on the responsibilities incurred as a sponsored volunteer group. In some cases it may be a preferable approach to sign up members of a group on individual volunteer agreements.

Be sure to review this information with whoever is representing your sponsored group so that both parties are aware of what the insurance coverage situation and whose responsibility it is.