

MISSOURI SOUTHERN STATE UNIVERSITY POLICY

Policy #:		Effective:	July 2017*	Category:	All University Employee Policies
Name:	VOLUNTEER & INTERNSHIPS POLICY				

1.0 PURPOSE

The purpose of the policy is to provide guidance to University employees regarding the policy below in order to comply with the standards set forth by the University. This policy is necessary in order to maintain an effective and compliant workforce that meets the University mission.

2.0 SCOPE

UNIVERSITY POLICY

3.0 POLICY

Volunteers:

Due to the provisions of the Affordable Care Act, Missouri Southern is using this policy concerning volunteers on the MSSU campus. When any department on campus is considering the use of volunteers, is utilizing non-paid or nominally paid students (either MSSU students or students from other educational programs) as part of their degree completion, or in any other situation where someone may possibly be considered to be a volunteer or in an unpaid arrangement, please review this information and contact Human Resources for the appropriate volunteer waivers. All waivers must be returned to Human Resources after being completed and signed by the department representative and the volunteer.

In order to assist you in determining when a volunteer waiver is required, please review the following approved definition of a volunteer:

An individual will be considered a volunteer under the FLSA if the individual: (1) performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered; although a volunteer can be paid expenses, reasonable benefits, or a nominal fee to perform such services; (2) offers services freely and without pressure or coercion; and (3) is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer."*

The form "Volunteer Acknowledgement, Assumption of Risk, and Waiver of Liability" is to be used for true volunteers who fit the definition above. For example, those volunteers who donate their time at sporting events, volunteer drivers, assistant coaches, etc. This form is NOT to be used for students who are receiving course credit or the work is required as part of their program of study. Please contact Human Resources to assist you in completing this form.

The other form to be utilized for volunteers is the "Student Acknowledgement, Assumption of Risk, And Wavier of Liability" to be used when a MSSU student or a student from another university is performing an unpaid internship here at Missouri Southern. For example, an un-paid internship in the counseling area of A.C.T.S; an MSSU student who is required to perform services as part of their degree

program; or other type of course credit service. Please contact Human Resources to assist you in completing this form.

If you are unsure if a situation in your area applies to these forms or if you are unsure if a student or other individual is a volunteer, please contact Human Resources to assist you. All forms should be returned to Human Resources for review with a copy to be kept in the department where volunteer will be located.

*Is not a substitute for compensation and must not be tied to productivity. i.e. in the context of a school coach or school advisor, the key factor is whether the fee varies depending on the time spent engaged in the volunteer activity or the success or failure of the term or activity. If the fee is not tied to time or success of the activity the fee would generally not be considered a substitute for compensation or tied to productivity. DOL provided economic realities test stating that a fee would be presumed nominal if it did not exceed 20% of what the public agency would otherwise pay to hire someone to provide the same services.

Internships – Must be a qualifying internship based on the following. A six-part test has been developed that is utilized to determine whether an intern is actually an intern or should be classified as an employee. If each of the following six factors apply, the trainees or interns are not employees within the meaning of the FLSA.

The six factors are as follows:

- (1) the training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;
- (2) the training is for the benefits of the trainees;
- (3) the trainees do not displace regular employees, but work under their close observation;
- (4) the employer that provides the training derives no immediate advantages from the activities of the trainees;
- (5) the trainees are not necessarily entitled to a job at the conclusion of the training period; and
- (6) the employer and the trainees understand that the trainees are not entitled to wages for the time spent in training.

Such internships are typically only offered to those as part of the completion of a student's degree program. In all other cases when the six-part test above is not applicable, such intern should be considered as a part-time student employee. Please note, Human Resources should be contacted and a student internship waiver form should be completed and signed by the student intern in cases MSSU Human Resources where such student is in a non-compensable internship (unpaid) as part of the completion of a degree program. Once signed the original should be forwarded to HR and a copy should be retained in the department where the intern will be working. However if the student is a compensable (hourly) paid internship, otherwise known as a part-time employee, the weekly hours worked must be limited to no more than 20 hours per week up to a maximum of 29 hours (less than 130/month) when school is not in session, mirroring the requirements for part-time employees. Please note that unpaid internships are not required to have their hours limited or monitored under the ACA.

However paid internships are required to have their hours monitored and must work no more than 29 hours per week (less than 130/month).

The other form to be utilized for volunteers is the “Student Acknowledgement, Assumption of Risk, And Wavier of Liability” to be used when a MSSU student or a student from another university is performing an unpaid internship here at Missouri Southern. For example, an un-paid internship in the counseling area of A.C.T.S; an MSSU student who is required to perform services as part of their degree program; or other type of course credit service. Please contact Human Resources to assist you in completing this form.

4.0 HISTORY

This policy may be revised, edited, changed or removed at any time with or without notice to applicable individuals.

5.0 RELATED DOCUMENTS