

Act 21-13

State and Local Government Volunteers Act

21-13-101. TITLE.

This chapter may be cited as the "State and Local Government Volunteers Act".

21-13-102. LEGISLATIVE INTENT.

(a) Since the spirit of volunteerism has long animated generations of citizens of this state and throughout the nation to give of their time and abilities to help others, the State of Arkansas would be wise to make use of volunteers in state and local agencies whenever possible.

(b) Effective use of volunteers in state service, however, requires that state and local agencies be provided guidelines for the development of volunteer programs and the utilization of volunteers.

(c) The General Assembly intends by this chapter to assure that the people of Arkansas may derive optimal benefit from volunteers and that the time and talents of volunteers in state and local service may be put to the best use.

21-13-103. DEFINITIONS.

As used in this chapter, the following terms shall have the following meanings, unless another meaning may be clearly inferred from the context:

(1) "Volunteer" means any person who, of his own free will, provides goods or services without any financial gain to any agency, instrumentality, political subdivision, or school district of the State of Arkansas;

(2) "Regular-service volunteer" means any person engaged in specific volunteer service activities on an ongoing or continuing basis;

(3) "Occasional-service volunteer" means any person who provides a one-time or occasional volunteer service;

(4) "Material donor" means any person who, without financial gain, provides funds, materials, employment, or opportunities to clients of agencies, instrumentalities, political subdivisions, or school districts of the State of Arkansas; and

(5) "Department" means and includes all agencies, departments, institutions, and divisions of state government and agencies under the jurisdiction or supervision of the State of Arkansas or of any political subdivision or school district in this state.

21-13-104. NO LEGAL CLAIM CREATED - EXCEPTIONS.

Nothing in this chapter shall be deemed to provide a lawful claim or right of volunteers for meals, lodging, transportation, or liability insurance coverage, unless each of the respective departments has:

- (1) Made provision for such benefits;
- (2) Established appropriate safeguards for eligibility for the benefits; and
- (3) Determined that sufficient funds are available to the department to defray the cost of the benefits.

21-13-105. DEVELOPMENT OF PROGRAMS - USE OF VOLUNTEERS.

(a) Every department, through its executive head, is authorized to develop volunteer programs and accept the services of volunteers, including regular-service volunteers, occasional-service volunteers, or material donors to assist in programs carried out or administered by that department.

(b) Each department which utilizes the services of volunteers may:

- (1) Enlist the services of the Division of Volunteerism of the Department of Human Services to assist in the development of volunteer programs;
- (2) Take actions as are necessary and appropriate to develop meaningful opportunities for volunteers involved in those programs and to improve public services;
- (3) Develop written rules governing recruitment, training, screening, responsibility, utilization, and supervision of volunteers;
- (4) Take action as is necessary to ensure that volunteer and paid staff of the department understand their respective duties and responsibilities, their relationship to each other, and their respective roles in fulfilling the objectives of their department;
- (5) Take actions as are necessary and appropriate to assure a receptive climate to attract citizen volunteers; and
- (6) Provide for the recognition of volunteers who have offered exceptional service to the state, its political subdivisions, or school districts.

21-13-106. EXEMPTION FROM EMPLOYMENT LAWS.

(a) Volunteers recruited, trained, or accepted by any department shall, to the extent of their volunteer service, be exempted from all provisions of law relative to state employment, hours of work, return or compensation, leave time, and employee benefits.

(b) Volunteers shall, however, at all times comply with applicable work rules.

21-13-107. MEALS, LODGING, AND TRANSPORTATION.

(a)(1) Every department which utilizes the services of volunteers is authorized to provide volunteers with incidental reimbursements as are consistent with allowances authorized by law

for reimbursement for state or local employees.

(2) Such reimbursements include transportation costs, lodging, and subsistence, as the department deems appropriate, to assist volunteers in performing their duties, provided that sufficient funds are available.

(b)(1)(A) Departments may furnish meals without charge to regular-service volunteers, provided that the scheduled work assignments of such volunteers extend over an established meal period.

(B) Meals may be furnished without charge to occasional-service volunteers at the discretion of the department's executive head.

(2) Lodging, if available, may be provided temporarily at no charge to regular-service volunteers, at the discretion of each department.

(3)(A)(i) Transportation reimbursement may be furnished to those volunteers whose presence is determined to be necessary to the department.

(ii) Rates or amounts of such reimbursement shall not exceed the allowances provided under applicable state travel regulation for state departments or under applicable travel regulations with respect to volunteer services rendered departments of political subdivisions and school districts.

(B) Volunteers may utilize department vehicles in the performance of their duties, subject to those rules and regulations governing use of state vehicles by paid staff.

21-13-108. LIABILITY INSURANCE - SOVEREIGN IMMUNITY.

(a) Liability insurance may be provided by the department utilizing volunteer services, both to regular-service and occasional-service volunteers, to the same extent as may be provided by the department to its paid staff.

(b) Volunteers in state service may enjoy the protection of the state's sovereign immunity to the same extent as paid staff.

21-13-109. EMPLOYMENT EXPERIENCE.

(a) Each department which utilizes the services of volunteers may recognize prior volunteer service as partial fulfillment of state employment requirements for training and experience established under applicable personnel rules and regulations.

(b) The Department of Finance and Administration and the personnel administrators of the respective departments shall make provision for the listing of volunteer service and experience on all future personnel forms and other records kept in the future, reflecting work history so that appropriate credit may be given in evaluating work history and in making position evaluations.

21-13-110. DEPARTMENT REPORTS OR RECORDS.

Each department shall include in its annual report, or shall maintain in its files, information which may be developed and maintained by volunteers relating to:

- (1) The total number, location, and duties of all volunteers, including regular-service volunteers, occasional-service volunteers, and material donors;
- (2) The total number of annual hours of service provided to the department by all volunteers, including regular-service volunteers, occasional-service volunteers, and material donors; and
- (3) Reimbursements made to volunteers or material donors for expenses, transportation, or other costs incurred in connection with volunteer services, and such other records as may be required, for tax purposes, to authenticate services rendered and expenses incurred by volunteers or material donors for which reimbursement has not been made.

21-13-111. STATE INCOME TAX DEDUCTIONS.

(a) In computing net income for the purpose of the Arkansas income tax levied by § 26-51-201, there shall be allowed as deductions, in addition to all other deductions allowed by law:

(1)(A) A deduction for mileage for necessary travel in connection with voluntary service to a department, at the rate provided by law or appropriate travel regulation applicable to travel made by paid employees of a department for a volunteer who uses his personal motor vehicles for official travel, for which the volunteer has not received reimbursement from public funds; and

(B) A deduction for unreimbursed meals, lodging, and transportation other than mileage as noted above, or other out-of-pocket expenses incurred by the volunteer in voluntary service to a department for which he has not received reimbursement from public funds, but which would be reimbursable if incurred by paid employees of a department acting within the scope of their employment;

(2) A deduction for mileage traveled in the use of a personal motor vehicle and for expenses incurred for meals, lodging, and transportation expenses other than mileage, and other out-of-pocket expenses incurred by a volunteer for volunteer work for a charitable organization for which reimbursement has not been received shall be allowed in the same amount and for the same purposes as now allowed under the state income tax laws applicable to business expenses. As used in this subdivision (a)(2), a charitable organization shall include, in addition to a department as defined in this chapter, any private nonprofit corporation, association, or group which is recognized by the laws of this state as performing a nonprofit charitable purpose benefiting citizens of this state.

(b) It is the purpose and intent of this section that deduction for expenses incurred by volunteers in connection with the performance of voluntary services for charitable organizations in this state and for public agencies and departments as authorized in this chapter shall be deductible in computing net income under the Arkansas individual income tax law, for the same purposes and in the same manner as now provided by the state income tax law applicable to business expenses in computing net income for state income tax purposes.