

## **GUIDELINES FOR RETIREES SERVING AS VOLUNTEERS OF THE OHIO COOPERATIVE EXTENSION SERVICE**

Retirees represent an extremely valuable resource and should not be overlooked as volunteers and continued contributors to OCES educational programs. They should become volunteers on their own volition or at the invitation of OCES; they should not be coerced or pressured into volunteer work. Consideration of retirees to serve as volunteers should be handled on a case-by-case basis, but within the following framework:

- A. There should be a break of several weeks between retirement and serving as a volunteer.
- B. The task should be other than supervision/administration.
- C. The volunteer arrangement should be based upon a written job description that specifies the task(s) being volunteered, the location of the work, the duration of the activity, and the supervisory structure.
- D. The arrangement must be approved by the county/district unit or department administrator and OCES director, with periodic reviews by the volunteer and immediate supervisor.
- E. The volunteer must observe all OCES administrative policies and procedures (i.e. affirmative action, in-service, travel, and commitments) which normally apply to faculty and staff and be supervised at one of the administrative levels.
- F. The volunteer should be reimbursed for his/her expenses.
- G. Work must be part of OCES programs, activities, or projects.
- H. The volunteer must identify himself/herself as a volunteer.
- I. Educational information and recommendations communicated by the volunteer must be current and approved by OCES.
- J. The volunteer should normally serve half-time or less over the duration of the approved task(s).
- K. Volunteer work requiring access to building facilities should normally occur during regular office hours unless other arrangements are made with the immediate supervisor.
- L. Volunteers must be informed that while they are provided certain immunities from civil liability, the protection is different from the immunity and indemnification they had as employees. Legislation approved in 1986 provides OCES volunteers (and those of other non-profit charitable organizations) with immunity unless acting in a negligent, willful or wanton, or intentional manner (Section 2305.38 Ohio Revised Code).

**2305.38 Charitable organization volunteers' qualified immunity from tort liability**

(A) As used in this section:

(1) "Charitable organization" means either of the following:

(a) Any non-hospital, charitable nonprofit corporation that is organized and operated pursuant to Chapter 1702. of the Revised Code, including, but not limited to, any such corporation whose articles of incorporation specify that is organized and to be operated for an education related purpose;

(b) Any non-hospital, charitable association, group, institution, or society that is not organized and not operated for profit, including, but not limited to, any such association, group, institution, or society that is organized and operated for any education-related purpose.

(2) "Compensation" does not include actual and necessary expenses that are incurred by a volunteer in connection with the services that he performs for a charitable organization, and that are reimbursed to the volunteer or otherwise paid.

(3) "Corporate services" means services that are performed by a volunteer who is associated with a charitable organization as defined in division (A)(1)(a) of this section and that reflect duties or responsibilities arising under Chapter 1702. of the Revised Code.

(4) "Supervisory services" means services that are performed by a volunteer who is associated with a charitable organization as defined in division (A)(1)(a) or (b) of this section and that involve duties and responsibilities in connection with the supervision of one or more officers, employees, trustees, or other volunteers of that charitable organization.

(5) "Volunteer" means an officer, trustee, or other person who performs services for a charitable organization but does not receive compensation, either directly or indirectly, for those services.

(B) A volunteer is not liable in damages in a civil action for injury, death, or loss to person or property that arises from the actions or omissions of any of the officers' employees, trustees, or other volunteers of the charitable organization for which he performs services unless either of the following applies:

(1) With prior knowledge of an action or omission of a particular officer, employee, trustee, or other volunteer, the volunteer authorizes, approves, or otherwise actively participates in that action or omission;

(2) After an action or omission of a particular officer, employee, trustee, or other volunteer, the volunteer, with full knowledge of that action or omission, ratifies it.

(C) A volunteer is not liable in damages in a civil action for injury, death, or loss to persons or property that arises from his actions or omissions in connection with any supervisory or corporate services that he performs for the charitable organization, unless either of the following applies:

(1) An action or omission of the volunteer involves conduct as described in division (B)(1) or (2) of this section:

(2) An action or omission of the volunteer constitutes willful or wanton misconduct or intentionally tortuous conduct.

(D) A volunteer is not liable in damages in a civil action for injury, death, or loss to persons or property that arises from his actions or omissions in connection with any nonsupervisory or noncorporate services that he performs for the charitable organization, unless either of the following applies:

(1) An action or omission of the volunteer involves conduct as described in division (B)(1) or (2) of this section:

(2) An action or omission of the volunteer constitutes negligence, willful or wanton misconduct, or intentionally tortuous conduct.

(E) (1) This section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a volunteer.

(2) This section does not affect, and shall not be construed as affecting, any immunities from civil liability or defenses established by another section of the Revised Code or available at common law, to which a volunteer may be entitled under circumstances not covered by this section.

**HISTORY: 1986 S 366. eff. 10-14-86**

Note: 1986 S 366, § 2, off. 10-14-86, reads: Section 2305.38 of the Revised Code, as enacted by this act, shall apply only to causes of action against volunteers of charitable organizations for injury, death, or loss to persons or property that arise on or after the effective date of this act. With respect to causes of action against volunteers of charitable organizations for injury, death, or loss to persons or property that arose prior to the effective date of this act and that have not been barred by a statute of limitations, the liability or immunity from liability of such a volunteer, and defenses available to such a volunteer, shall be determined as if section 2305.38 of the Revised Code had not been enacted.