



Definition of Volunteers

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-1422

Section 3(e)(4)(A) of FLSA and 29 CFR §§ 553.101 and 553.103 state that individuals are volunteers and not employees of a public agency when they meet the following criteria:

- Perform hours of service for civic, charitable or humanitarian reasons without promise, expectation, or receipt of compensation for the services rendered. Volunteers can receive no compensation or be paid expenses, reasonable benefits or a nominal fee to perform such services (§ 553.101(a));
 - Offer their services freely and without any pressure or coercion, direct or implied, from the employer (§ 553.101(c));
 - Are not employed by the same public agency to perform the same services as those for which they propose to volunteer (§ 553.101(d)). For example, a park's department worker can serve as a volunteer firefighter for the same agency (§ 553.103(c)).
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