



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
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WASHINGTON, DC 20350-2000

OPNAVINST 5380.1C
N135
7 JAN 2013

OPNAV INSTRUCTION 5380.1C

From: Chief of Naval Operations

Subj: ACCEPTANCE AND USE OF VOLUNTARY SERVICES IN THE NAVY

Ref: (a) DoD Instruction 1100.21 of 11 March 2002
(b) 10 U.S.C. §1588
(c) OPNAVINST 1720.3F
(d) OPNAVINST 1750.1G
(e) OPNAVINST 1754.5B
(f) BUMEDINST 6320.66E
(g) BUMEDINST 5760.5
(h) DoD Instruction 1402.5 of 19 January 1993
(i) Joint Travel Regulations, Volume II, Appendix E
(j) DoD 7000.14-R, Department of Defense Financial Management Regulations (DODFMR), Volume 9, January 2012
(k) DoD 5500.7-R, Joint Ethics Regulations (JER), August 1993
(l) DoD 5400.11-R, Department of Defense Privacy Program, May 2007
(m) SECNAVINST 5211.5E

1. Purpose. To amplify guidance issued in reference (a), which prescribes policies, responsibilities, and procedures for the acceptance and use of voluntary services by Navy activities, as authorized by reference (b). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 5380.1B.

3. Background. The Navy's vision is to develop and effectively utilize a total force, consisting of military Service Members (active, reserve, and retired), Government civilians, contractors, and volunteers to execute Navy's mission: supporting operational commanders with the right person, doing the right work, at the right time, with the right training, at the best value. Former Service Members and employees can be an especially useful resource for all areas of volunteer service.

4. Applicability

a. Applies to acceptance of voluntary services by any person to appropriated fund (APF) activities and nonappropriated fund instrumentalities (NAFI) operated by the Navy, as defined by reference (a), enclosure (3), paragraph E3.2.

b. For additional program-specific guidance applicable to voluntary services provided through, or in association with, the Navy Retired Activities Program, Navy Family Ombudsman Program, and family readiness groups, see references (c), (d), and (e), respectively.

c. This instruction does not apply to:

(1) Gratuitous services offered outside the scope of reference (b), or to other voluntary services accepted by a Navy activity under applicable legal authority independent of reference (b). Gratuitous service is defined as service provided by individuals (or groups of individuals), other than those defined as "volunteers," without any expectation of compensation (to include salaries, tips, benefits, and reimbursements for incidental expenses).

(2) Volunteers who donate their services to entities that are non-Navy activities (including public, private, or commercial organizations, or contractors for the Government) on military installations or with military units. This is true even when volunteer services to non-Navy activities are in direct support of a program providing services to members of the Navy and their families, even if such voluntary services are otherwise permissible.

5. Responsibilities

a. The Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO (N1)) is the principal staff assistant to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) for programs which may use volunteers in the delivery of services for military and family members.

b. The Office of the Chief of Naval Operations, Personal Readiness and Community Support (OPNAV (N135)) shall establish and maintain policy on voluntary services and monitor compliance with this instruction.

c. Commander, Navy Installations Command shall:

(1) Establish implementing procedures and regulations per this instruction, including the general standards in reference (a), enclosure (3);

(2) Outline reimbursable expenses and method for payment of claims for reimbursement;

(3) Establish a system to recognize and reward volunteer contributions (monetary awards are not authorized); and

(4) Ensure the standard procedures used to investigate and adjudicate incidents involving Navy employees are utilized, when appropriate, to investigate and adjudicate similar incidents arising from voluntary services provided under this instruction. This shall include voluntary service incidents involving property damage, destruction, or loss; the injury or death of any person, including the volunteer; any claim against the Federal Government; or any request for an investigation by a Navy activity or other competent authority.

d. Chief, Bureau of Medicine and Surgery will implement procedures and regulations for volunteers in the areas of medical, dental, nursing, or other healthcare-related services.

6. General Standards

a. DD 2793 Volunteer Agreement for Appropriated Fund Activities and Nonappropriated Fund Instrumentalities will be executed, as applicable. A copy shall be given to the volunteer prior to commencing volunteer services, and in the case of medical volunteers, a copy will be provided to the command credentials office. The DD 2793, part IV, shall be completed at the end of the volunteer's service to document the dates of service. The original shall be retained by the activity and a copy of the completed form given to the volunteer upon termination of service.

b. Volunteers shall not:

(1) Be placed in:

(a) Policy-making positions, roles, or situations performing inherently governmental functions;

(b) Control of monetary transactions or entitlements;
or

(c) Supervisory positions, roles, or situations over compensated government (APF or nonappropriated fund (NAF)) employees or military personnel.

(2) Receive salary, cash awards, bonuses, or compensation of any kind for service rendered;

(3) Perform duties which displace paid employees or in lieu of filling authorized paid personnel positions;

(4) Be used to circumvent the NAF or civil service personnel systems;

(5) Be used in functions for which funding has been provided to hire staff or obtain services by contract; or

(6) Perform dangerous duties that render them unusually susceptible to injury, or to causing injury to others. (Note: This prohibition is not intended to prevent properly licensed and certified volunteers from assisting qualified employees in providing athletic or adventure-type outdoor recreation activities.)

c. Volunteers shall be licensed, privileged, appropriately credentialed, or otherwise qualified under applicable law, regulations, or policy to provide the voluntary services in the same fashion as employees performing the same or similar assigned duties. In addition:

(1) Volunteers in a medical facility must be credentialed and privileged, per reference (f), part I, before being allowed to see patients.

(2) Volunteers providing non-clinical services in a medical facility shall meet the requirements of reference (g).

(3) Volunteers providing family support activities with children, childcare, and youth services are required, per reference (h), to undergo criminal history background checks.

d. Volunteers must be supervised to the same extent as compensated employees providing similar services. The supervisor may be a paid employee, Service Member, or another volunteer who is so supervised.

e. Volunteers are authorized reimbursement for incidental expenses incurred as a result of the services rendered. Based on the nature of the accepting activity (APF or NAF), reimbursement shall be made with APF or NAF, as appropriate. Funds authorized and budgeted for use in the support of volunteers shall be disbursed on an equitable basis. Examples of incidental expenses include:

(1) Parking fees, tolls, and general admission costs incurred by the volunteer during the provision of volunteer services (i.e., general admission costs are included only if entrance is required to perform the volunteer service); and

(2) Other incidental expenses not normally provided to employees (e.g., long distance telephone calls, commuting, and childcare). This applies when such reimbursements are determined to be necessary to obtain the voluntary services and are reasonable in amount and relation to the value of the voluntary services involved. An understanding between the accepting activity and volunteer regarding reimbursement for incidental expenses should be discussed before the expenses are incurred (attach a copy of the agreement to the signed DD 2793).

f. Per reference (i), the sponsoring activity may issue invitational travel authorization (ITA) to volunteers for transportation, lodging, subsistence, and related expenses associated with authorized travel. Travel advances in connection with ITAs are authorized, per references (i) and (j).

g. Volunteers will be provided with a clear, written description of the duties and scope of responsibilities to be performed, including the beginning and ending date of the

volunteer service. Volunteer orientation and training is authorized to familiarize volunteers with the organization, governmental conduct, their assigned duties, command's procedures to document the type and number of hours of voluntary services provided, and other relevant matters.

h. Written parental consent is required for all unmarried volunteers under 18 years of age. Reference (a) includes further guidance and sample format for parental consent. Volunteers under 16 years of age shall not be accepted. Additional State and local law requirements may also apply.

i. Pursuant to references (a) and (b), a person providing properly accepted voluntary services to an APF activity or NAFI shall be considered to be an employee of the Federal Government only to the extent specified in reference (a), enclosure (3), subsection E3.5.1; and reference (b), subsection (d), respectively (e.g., for the purpose of tort claims, compensation for injuries occurring during the performance of volunteer services, criminal conflicts of interest, and the Privacy Act). Volunteers will be expected to adhere to the same standards of conduct as paid employees as outlined in reference (k).

j. The activity will provide training and support for officially sanctioned volunteers, to include:

(1) Training on policies of the sponsoring command (to include training on governmental ethics and conduct);

(2) Use of Government facilities (to include dedicated office or desk space, equipment, supplies, computers, and telephones as needed to accomplish assigned duties). Personal use of such facilities or equipment shall be governed by reference (k); and

(3) Use of official mail as deemed necessary and appropriate by the regional, installation, or activity commander to execute assigned volunteer duties.

k. The activity will ensure compliance with references (l) and (m) concerning disclosure of privacy-protected records.

(1) Access to records contained in a Privacy Act system of records may be provided to a volunteer of a Navy activity other than a NAFI. Any volunteer with such access must comply with the protection, disclosure, disclosure accounting, and other requirements of references (l) and (m).

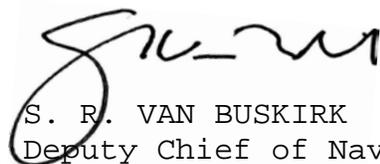
(2) Volunteer access to privacy-protected information requires consent of the individual about whom the records pertain or other authorization consistent with reference (l).

1. Volunteer records shall be retained for 3 years following the termination of volunteer service by the organization receiving the service. After that period, the appropriate activity where the volunteer's duties were performed shall electronically maintain a summary of each volunteer's service.

m. Volunteers contribute many hours of valuable service to the Navy. Their service should be recognized by the commands or activities benefiting from those services by a ceremony, certificate, publicity, or other appropriate means.

7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per Secretary of the Navy Manual 5210.1 of January 2012.

8. Form. DD 2793 Volunteer Agreement for Appropriated Fund Activities and Nonappropriated Fund Instrumentalities is available on the Department of Defense Forms Management Program Web site at <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2793.pdf>.



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