



# Executive Order Number 48 Outlines New policies concerning volunteers

On April 21, 1980 Governor James B. Hunt signed an executive order which mandates new policies concerning volunteers in service to state government. It is printed in its entirety below. In a later issue of *Visions* it will be discussed in detail.

## EXECUTIVE ORDER NUMBER 48

**WHEREAS**, volunteers have dramatically increased and strengthened the ability of government agencies to carry out their programs, services, and activities for the benefit of their fellow citizens; and

**WHEREAS**, the practice of volunteering enables private citizens to enrich their lives and the lives of others through greater citizen awareness of and personal involvement in state government programs services, and activities.

### **NOW, THEREFORE, IT IS HEREBY ORDERED:**

*Section 1.* I hereby declare the policy of the State of North Carolina to be that every citizen, regardless of his or her present economic condition, political affiliation, religious affiliation, race, sex or age, has the opportunity to be a volunteer in state service. Every state agency is encouraged to involve volunteers to enrich and increase the agency's ability to deliver services, programs and activities for the citizens of this State.

*Section 2.* The following definitions are applicable to this Order:

- (a) "Agency" means any department, institution, commission, committee, board, division or bureau of the State of North Carolina;
- (b) "Volunteer" means any person who provides goods or services to any state agency of his or her own free will and for no financial gain.

*Section 3.* Each state agency is hereby authorized and encouraged to recruit, train and accept the services of qualified volunteers to assist in programs carried out or administered by

the state agency or constituent unit thereof for the benefit of the people of this State. While volunteering for service to state agencies, volunteers shall be exempt from the provisions of the State Personnel Act and other provisions of law and regulations governing grievance procedures for state employees. Volunteers shall comply with the appropriate agency rules, regulations and policies pertaining to conduct, record keeping, and any other policy necessary for the operating efficiency of the state agency.

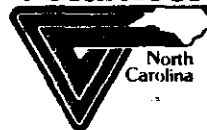
*Section 4.* Each state agency is encouraged to develop policies for the administration of services by volunteers. Such policies should include rules governing the recruitment, screening, training, enrollment, responsibilities, and supervision of volunteers; documentation of volunteer activities; recognition of volunteers' contributions and services; performance evaluations of volunteers and the services rendered; and the development of an appreciation between paid staff and volunteers of their respective roles in fulfilling agency objectives.

*Section 5.* Each state agency shall recognize documented volunteer service as partial fulfillment of training and experience requirements for state employment, pursuant to policies adopted by the State Personnel Commission. To that end, agencies are encouraged to provide letters of documented volunteer service when requested by a volunteer.

*Section 6.* Volunteers enrolled in service to state agencies are recognized to be covered under Articles 31 and 31A of Chapter 143 of the General Statutes, governing Tort Claims Against State Departments and Agencies, and the Defense of State Employees. Volunteers enrolled in service to state agencies are not entitled to benefits under Chapter 97 of the General Statutes, the Worker's Compensation Act.

*Section 7.* This Order is effective immediately. It shall remain in effect until rescinded by Order of the Governor or preempted by legislative action.

Done in Raleigh, North Carolina, this the 21st day of April, 1980. ■



## Executive Order 48 Gives Volunteers Legal Rights

### Editor's Note

*Executive Order 48 was printed in full in the May/June issue of Visions. This article spells out in layman's terms what the Order does.*

Everyone volunteering with state government in North Carolina is now covered by state government policy. Executive Order #48, signed by Governor James B. Hunt, Jr., April 21, 1980, authorizes volunteers to work in state agencies. The Order requires state agencies to recognize documented volunteer work as partial fulfillment for state employment training and experience requirements. It insures protection for volunteers under the laws governing Tort Claims against the State and confirms the exemption of volunteers from the State Personnel Act and the Worker's Compensation Act.

### Protection from Tort Claims

Executive Order 48 gives volunteers the same protection from Tort Claims as paid employees are entitled to. Under present law the state can be sued if an injury is caused by negligence on the part of a state employee, but the employees are protected from being personally liable and the Attorney General would represent employees in any court case.

### Recognition of documented volunteer time

Volunteers earn many hours of valuable training and work experience each year. To insure that the value of those hours is realized, Executive Order 48 requires all state agencies and departments to recognize volunteer

service as partial fulfillment of state employment requirements. Volunteer experience would be considered the way work experience has been considered on job applications. Volunteers can request reference letters and state agencies and departments are encouraged to provide them.

### Exemption from the State Personnel Act, Employee grievance procedures and the Worker's Compensation Act

Executive Order 48 confirms that volunteers are *not* entitled to or covered under any of the following laws affecting state employees.

The State Personnel Act sets forth guidelines for the hiring and firing of paid employees and outlines the benefits to be received by those employees. Any permanent state employee (one having worked for the state five or more years) has certain grievance procedures which include hearings and other legal recourse that can be taken if fired. Volunteers have none. If injured on the job, a state employee is entitled to unemployment insurance provided by the Worker's Compensation Act. Volunteers are not.

### Authorization to work in State Agencies

When signing the Order, Governor Hunt said, "Volunteers have increased the ability of government agencies to carry out their business. Volunteer activities benefit the volunteer and their fellow citizens."

Therefore the order reads, "Every state agency is encouraged to involve volunteers to enrich and increase the agency's ability to deliver services, programs and activities for the citizens of this State."

*"Volunteers have increased the ability of government agencies to carry out their business."*

Each state agency is specifically authorized to recruit, train and accept the services of qualified volunteers. Developing policies governing recruitment, screening, training, enrollment and placement of volunteers is the responsibility of each department or agency. Supervision, documentation, recognition and evaluation of volunteers is encouraged by the Order.

Charles Petty, Executive Director of the Governor's Office of Citizen Affairs, noted, "The order does two important things; it spells out some legal considerations that have never before been addressed and it gives affirmation that volunteers are important and do make a difference." Petty pointed out that few governors have made the commitment to volunteers that Governor Hunt has. "The Executive Order is a natural way for a Governor to affirm the contributions of citizens to State Government."

At the signing ceremony Governor Hunt symbolically presented the Order to Sue Massey, president of the North Carolina Association of Volunteer Administrators. Later she said, "We are sorry it (the order) didn't have more teeth (to mandate documentation), but I hope this will set the stage for legislation that does have teeth. It is better to go slow; you have to crawl before you can walk. We appreciate what Governor Hunt has done to get us this far," said Massey.

Massey feels that stronger mandates for documentation would help prove the volunteer effort is working and saving tax dollars.