DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

OPNAVINST 5380.1A
N135
26 Feb 07

OPNAV INSTRUCTION 5380.1A

From: Chief of Naval Operations

Subj: VOLUNTARY SERVICES IN DEPARTMENT OF THE NAVY

Ref: (a) DOD Instruction 1100.21 of 11 Mar 02
(b) 10 U.S.C. 1588
(c) DOD Instruction 1402.5 of 19 Jan 93
(d) Joint Travel Regulations, Volume 2
(e) DOD 7000.14-R, Volume 9 of Sep 00
(f) DOD 5500.7-R of Aug 83
(g) DOD 5400.11-R of Aug 83
(h) SECNAVINST 5211.5E
(i) SECNAVINST M-5210.1 of Dec 05

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

2. Cancellation. OPNAVINST 5380.1.

3. Applicability

a. Applies to acceptance of voluntary services by any person to Appropriated Fund (APF) activities and Nonappropriated Fund Instrumentalities (NAFIs) operated by Department of the Navy (DON) identified in reference (a), enclosure (3), paragraph E3.2.

b. Does not apply to gratuitous services offered outside the scope of reference (b), or to other voluntary services accepted by a DON 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.

c. Does not apply to volunteers who donate their services to entities that are not DON 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-DON activities are in direct support of a program providing services to members of the Navy and their families and even if such voluntary services are otherwise permissible.

4. Responsibilities

a. The Deputy Chief of Naval Operations (DCNO) (Manpower, Personnel, Training and Education (MPT&E)) (N1) is the principal staff assistant to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN) (M&RA) for APF and NAFI quality of life programs which may use volunteers in the delivery of services for military and family members.

b. CNO (N135) will establish and maintain policy on voluntary services and monitor compliance with this instruction.

c. Commander, Navy Installations Command (CNIC) will:

(1) Establish implementing procedures/regulations per this instruction, including the general standards to reference (a), enclosure (3), and paragraph 4 of this instruction.

(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.

(4) Ensure the standard procedures used to investigate/adjudicate incidents involving DON employees are used, when appropriate, to investigate/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 DON activity or other competent authority.

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

5. 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. DD 2793, part IV shall be completed at the end of the volunteer's service in order to document the dates of the volunteer service. The original shall be retained by the activity and a copy of the completed form shall be given to the volunteer upon termination of service.

b. Volunteers shall not be placed in policy-making positions, roles, or situations; the act of governing; control of monetary transactions or entitlements; supervisory positions, roles or situations over compensated government (APF or non appropriated fund (NAF)) employees or military personnel; or receive salary, cash awards, bonuses, or compensation of any kind for service rendered.

c. Volunteers shall not:

(1) Perform duties for which there is an unfilled manpower requirement,

(2) Be used to circumvent the NAF or civil service personnel systems,

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

(4) 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.)

d. Volunteers shall be licensed, privileged, or appropriately credentialed in the same fashion as employees performing the same or similar assigned duties. Criminal history background checks on individuals providing family

support activities with children, childcare and youth services are required per reference (c).

e. Supervisors must supervise volunteers to the same extent as compensated employees providing similar services. The supervisor may be a paid employee, a military member, or another volunteer who is so supervised.

f. Volunteers are authorized reimbursement for incidental expenses incurred as a result of the services rendered. Reimbursement may be from APF, NAF and/or nonappropriated unit funds that are authorized and budgeted for use in support of the DON activity involved and are available on an equitable basis for all. Examples of incidental expenses include:

(1) Parking fees, tolls, and general admission costs incurred by the volunteer during the provision of volunteer services.

(2) Other incidental expenses not normally provided to employees such as 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 in relation to the value of the voluntary services involved to the DON activity.

g. Per reference (d), appendix E, the sponsoring activity may issue Invitational Travel Orders (ITOs) to volunteers for transportation, lodging, subsistence, and related expenses associated with authorized travel. Travel advances in connection with ITOs are authorized per references (d) and (e).

h. Volunteers will be provided with a clear, written description of the duties and scope of responsibilities to be performed. 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.

i. Written parental consent is required for all unmarried volunteers under 18 years of age. Volunteers under 16 years of age shall not be accepted. Additional State and local law requirements may also apply.

j. Pursuant to references (a) and (b), a person providing properly accepted voluntary services to an APF or NAFI shall be considered to be an employee of the Federal government to the extent specified in reference (a), enclosure (3), subsection E3.5.1 and reference (b), subsection (d). Volunteers will be expected to adhere to the same standards of conduct as paid employees as outlined in reference (f).

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

(1) Training on policies of the DOD sponsoring component 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 uses of such facilities or equipment shall be governed by reference (f).

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

l. The activity will ensure compliance with references (g) and (h) 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 DON activity other than a NAFI. Any volunteer with such access must comply with the protection, disclosure, disclosure accounting, and other requirements of references (g) and (h).

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

m. 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 department of the activity where the volunteer's duties are performed shall electronically maintain a summary of each volunteer's service per reference (i).

n. 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 ceremony, certificate, publicity, or other appropriate means.

6. Form. DD 2793 (Feb 2002), Volunteer Agreement for Appropriated Fund Activities and Nonappropriated Fund Instrumentalities is available at http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2793.pdf.

J. C. HARVEY, JR.
Vice Admiral, U.S. Navy
Deputy Chief of Naval Operations
(Manpower, Personnel, Training
and Education)

Distribution:
Electronic only, via Department of the Navy Issuances Web site
http://doni.daps.dla.mil/

SUMMARY OF CHANGES
OPNAVINST 5380.1A

This instruction has been revised at the request of Chief of Naval Operations' (CNO) former Ombudsman-at-Large for clarification of reimbursable expenses and Federal Ethics Regulations (FER) application for all Navy volunteers. The instruction is submitted with the following changes:

- CNO (N135) responsibilities clarified.
- Required background checks for family support volunteers working with children.
- Clarified requirements for use of appropriated (APF), nonappropriated (NAF), and unit nonappropriated funds.
- Outlined/clarified that sponsoring activities may issue Invitational Travel Orders to volunteers to include transportation, lodging, subsistence and related expenses associated with authorized travel.
- Required volunteers adhere to the same standards of conduct as paid employees.
- Required activities to add governmental ethics and conduct training to their orientation for volunteers.
- Clarified use of facilities and equipment for volunteers.
- Included installation or activity commander as approving authority for the use of official mail services for volunteers.
- Clarified provision for access by volunteers to privacy-protected information.

All other information remained pertinent.

References added:
Joint Travel Regulations (Volume 2)
DOD Financial Management Regulations (Volume 9)
Joint Ethics Regulations