

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

OPNAVINST 5380.1D
N170
11 Aug 2016

OPNAV INSTRUCTION 5380.1D

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) 5 U.S.C. §3111
(d) JAGINST 5803.1E
(e) OPNAVINST 1720.3F
(f) OPNAVINST 1750.1G
(g) OPNAVINST 1754.5B
(h) BUMEDINST 6010.30
(i) BUMEDINST 5760.5
(j) DoD Instruction 1402.05 of 11 September 2015
(k) Joint Travel Regulations (JTR)
(l) DoD 7000.14-R, Department of Defense Financial Management Regulations (FMRS), Volume 9, June 2015
(m) DoD 5500.07-R, Joint Ethics Regulations (JER), August 1993
(n) DoD 5400.11-R, Department of Defense Privacy Program, May 2007
(o) SECNAVINST 5211.5E
(p) DoD Instruction 1342.22 of 3 July 2012

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 references (b) and (c). Major changes are outlined in subparagraphs 1a through 1d.

a. Added reference (c) which allows Military Departments to recruit and accept services from student volunteers for educational purposes.

b. Modified paragraph 1 to include reference (c) as a source that authorizes voluntary services.

c. Added subparagraph 5e which authorizes Judge Advocate General to implement procedures and regulations for volunteers providing legal services.

d. Added subparagraph 6c(4) which stipulates those volunteers providing legal services are subject to professional oversight by the Judge Advocate General, per reference (d).

2. Cancellation. OPNAVINST 5380.1C.

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 and doing the right work, at the right time, with the right training, at the best value. Former Services members and employees can be an especially useful resource for all areas of volunteer service. References (d) through (p) are in support of reference (a) for the standardized implementation and maintenance of this instruction.

4. Applicability

a. Applies to any person accepted to voluntary services within appropriated fund (APF) activities and nonappropriated fund instrumentalities (NAFI) operated by the Navy, as defined by reference (a).

b. For additional program-specific guidance applicable to voluntary services provided through, or associated with, the Navy Retired Activities Program, Navy Family Ombudsman Program, and family readiness groups, see references (e), (f), and (g), 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, Total Sailor Fitness (OPNAV N170) must establish and maintain policy on voluntary services and monitor compliance with this instruction.

c. Commander, Navy Installations Command must:

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

(2) Outline reimbursable expenses and a 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 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 must 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; and

(5) Ensure volunteer programs are in compliance with Secretary of Navy (SECNAV) Manual 5214.1 of December 2005.

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

e. The Judge Advocate General must implement procedures and regulations for volunteers providing legal services.

6. General Standards

a. DD Form 2793 Volunteer Agreement for Appropriated Fund Activities and Nonappropriated Fund Instrumentalities will be executed, as applicable. A copy must 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 Form 2793, part IV, must be completed at the end of the volunteer's service to document the dates and voluntary service provided. The original must be retained by the activity and a copy of the completed form given to the volunteer upon termination of service.

b. Volunteers must not:

(1) Be placed in:

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

(b) Control of monetary transactions or entitlements; or

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

(2) Receive salary, cash awards, bonuses, or compensation of any kind for services 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 must 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 (h) part I, before being allowed to see patients.

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

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

(4) Volunteers providing legal services will be subject to professional oversight by the Judge Advocate General, per reference (d).

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 must be made with APF or NAF, as appropriate. Funds authorized and budgeted for use in the support of volunteers must be disbursed on an equitable basis. Examples of incidental expenses include:

(1) Parking fees, tolls, and general admission cost incurred by the volunteer during the provision of volunteer services (i.e., general admission cost 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 Form 2793).

f. Per reference (k), appendix E, part 1, the sponsoring activity may issue invitational travel authorizations to volunteers for transportation, lodging, subsistence, and related expenses associated with authorized travel. Travel advances in connection with invitational travel authorizations are authorized, per references (k) appendix E, part 1, and (l).

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, per reference (a). Volunteers under 16 years of age will 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 must be considered to be an employee of the Federal Government only to the extent specified in reference (a), 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 (m).

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 must be governed by reference (m); 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 (n) and (o) 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 (n) and (o).

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

l. Volunteer records must 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 must 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, must be managed per SECNAV Manual 5210.1 of January 2012.

8. Review and Effective Date. Per OPNAVINST 5215.17A, OPNAV N170 will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 5 years after its issuance date unless reissued or canceled prior to the 5-year anniversary date, or an extension has been granted.

9. Form. DD Form 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/forms/eforms/dd2793.pdf>.


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Releasability and distribution:

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