

Part 428 – National NRCS Volunteer Services – Earth Team

Subpart A – Authorization

428.0 Purpose

The primary purpose of the Earth Team is to expand NRCS services by using volunteer time, talent, and energy to help accomplish the NRCS mission.

428.1 National NRCS Volunteer Services—Earth Team

- A. Section 1526 of the Food and Agriculture Act of 1981 (Public Law 97-98) authorizes the Secretary of Agriculture to establish programs to use volunteers in carrying out programs of, or supported by, the Department.
- B. Service under this program must be without compensation from NRCS and may not be used to displace any employee of the Department. Individuals providing voluntary service under this act are not Federal employees, except for the purposes of 5 U.S.C. Chapter 81 (relating to workers' compensation) and 28 U.S.C. Sections 2671 through 2680 (relating to tort claims).
- C. USDA Departmental Regulation 4230-1 (dated June 1997) requires Earth Team program volunteers to be at least 14 years of age. Supervisors must adhere to Federal, State, and local laws and standards regarding the employment of minors. Where there is a conflict, the most stringent of these must be applied. Volunteers may be enrolled as Earth Team volunteers by using Optional Form (OF) 301A, "Volunteer Services Agreement for Natural Resources Agencies."

428.2 Student Volunteers

- A. The Civil Service Reform Act of 1978 (Public Law 95-454, Section 301) authorized Federal Departments and agencies to accept student volunteer service.
- B. Students may receive course credit from their school. The school and NRCS must enter into a written agreement that outlines the conditions or limitations of the student's volunteer assignment. (See exhibits 428.94.)

428.3 Authorization to Travel and Operate Government Vehicles

- A. Volunteers may be authorized to perform official travel and be reimbursed accordingly.
- B. NRCS may pay normal travel expenses to volunteers, as would be necessary for any Government traveler conducting official NRCS business when approved through the Agency Travel System as an invitational traveler (also see Title 360, Part 428, Subpart D).
- C. Supervisors may authorize volunteers to operate Government-owned or -leased vehicles on official business, providing all of the following requirements are met:
 - (1) The volunteer has written authorization.
 - (2) The volunteer has a valid driver's license.
 - (3) There are no indications the volunteer has health problems that would impair his or her ability to drive.
 - (4) There is no evidence that the volunteer has a driving record that indicates he or she is an unsafe driver.

- (5) At all times when operating a Government-owned or -leased vehicle, the volunteer has in his or her possession a document identifying him or her as a volunteer. An Earth Team volunteer identification card or USDA Government identification may be used for this purpose. The USDA Government identification must be clearly marked “volunteer,” indicating that the holder is not an official Government employee (also see Title 360, Part 428, Subpart E).

428.4 Authorization for Payment of Incidental Expenses and Promotional Items

- A. Public Law 97-98 provides authority to pay for volunteer promotional items and incidental expenses, such as transportation, telephone, parking, meals, and child care for volunteers, when such volunteers are engaged in the work of the NRCS.
- B. Payments for incidental expenses are at the discretion of the State Conservationist, Area Director, or other allowance holder.
- C. No incidental expenses may be paid to volunteers until OF-301A is completed and signed by both the volunteer and the NRCS representative.
- D. Volunteers receive no salary from NRCS, but may be reimbursed for incidental expenses, including but are not limited to the following:
 - (1) Local transportation to and from the workplace (i.e., taxicab, subway, or bus).
 - (2) Mileage expenses—
 - (i) When traveling to and from the duty station, at the Internal Revenue Service (IRS) volunteer rate (14 cents per mile). If payment exceeds the IRS rate, any amount over that rate must be claimed as income by volunteer and reported by the agency on Form 1099.
 - (ii) When volunteers are issued a travel authorization and a Government vehicle is not available. The volunteer may be reimbursed at the same rate as an NRCS employee, in accordance with General Services Administration guidelines.
 - (3) Parking, ferry, bridge, road, and tunnel fees.
 - (4) Necessary meals and incidental expenses of the volunteer may be authorized while on official duty through either an individual negotiated fixed-rate method or an actual expense method. The negotiated fixed rate or actual expense method may not exceed the maximum allowed under Federal Travel Regulations for meals and incidental expenses (M&IE).
 - (i) Under the negotiated fixed-rate method, a rate is negotiated for each volunteer or group, depending on the expected or experienced cost of meals and other expenses. Do not construe a negotiated fixed rate to be a flat rate or stipend.
 - (ii) A negotiated fixed rate for any volunteer may only be used when arrived at through the individual negotiation process. Do not automatically apply it to any other volunteer, or use it in lieu of the required individual negotiation process, which considers each volunteer’s own personal needs, individual schedule, and all other factors that determine what NRCS will cover and to what extent.
 - (iii) If the negotiated fixed-rate method is used, record the negotiated rates in the “brief description of work to be performed” section of OF-301A. For example, “meals limited to \$10 per day” or “parking limited to \$7 per day,” etc.
 - (5) Protective equipment, clothing, and supplies are provided in accordance with NRCS policy. All items remain the property of NRCS.
 - (6) Temporary duty travel costs in accordance with Federal Travel Regulations.

428.5 Authorization to Provide Space for Volunteers

An appropriate amount of space may be leased for use by volunteers. Space requirements for volunteers must be comparable to those of Federal employees at the duty station.

(360-428-GM, 1st Ed., Amend.154, Mar 2016)