

## **Part 428 – National NRCS Volunteer Services – Earth Team**

### **Subpart D – Volunteer Status**

#### **428.30 Workers' Compensation Program and Tort Claims Act**

A. Persons providing voluntary service to NRCS as an Earth Team volunteer are not considered Federal employees, except for the purposes of the—

- (1) Workers' Compensation Program, under 5 U.S.C. Chapter 81, for injuries sustained during the performance of authorized work assignments. Contact your human resources office for additional information and references.
- (2) Tort Claims Act, under 28 U.S.C. Sections 2671 through 2680, for protection from personal liability for common law torts committed within the scope of work assignments. Refer to Departmental Regulation 2510-001, Claims Against the United States, for additional information and references.

B. Volunteers are provided Federal coverage under the Tort Claims Act while operating a Government-owned or -leased vehicle for official purposes. If the volunteer is operating his or her private vehicle and is receiving compensation for mileage from NRCS, claims for injury or death of third parties or damage to their property are the responsibility of the volunteer, the individual's personal insurance carrier, or both, since mileage reimbursement includes the cost of collision and liability insurance. The Department of Justice determines on a case-by-case basis if a volunteer will be provided legal defense services as provided for by the act.

C. For all of the above, adequate timekeeping records must be maintained. Volunteer supervisors must ensure volunteers are adequately trained for work assignments and supervision and guidance are provided, as necessary, for a safe work environment.