UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240  
[http://www.blm.gov](http://www.blm.gov/)

August 19, 2013

In Reply Refer To:  
1114 (420) I

EMS TRANSMISSION 08/20/2013  
Instruction Memorandum No. 2013-173  
Expires: 09/30/2014

|  |  |  |  |
| --- | --- | --- | --- |
| **To:** | All Washington Office and Field Office Officials Attn: Volunteer Coordinators, NLCS Leads, State Youth Leads | | |
|  | | |  |
| **From:** | Assistant Director, National Landscape Conservation System and Community Partnerships | | |
|  | | |  |
| **Subject:** | Partner Organization and Volunteer Liability Coverage under the "Volunteer Services Agreement for Natural Resource Agencies for Individuals and Groups" Form (OF-301a) |  |  |

**Program Areas:** Volunteers, Partnerships

**Purpose:** This Instruction Memorandum (IM) provides clarification about liability coverage for partner organizations and partner organization volunteers working with the BLM under Volunteer Services Agreements. This topic has been a source of confusion for both BLM officials and staff as well as the partner organizations who collaborate with the BLM on volunteer projects.

**Policy/Action:** Per BLM Manual Section 1114 (Volunteers), and subsequently issued volunteer program directives, BLM formalizes volunteer work relationships through duly executed "Volunteer Services Agreement for Natural Resource Agencies for Individuals and Groups" Forms (OF-301a). These agreements are entered into by the BLM and individual volunteers or groups of volunteers provided or sponsored by organizations such as a community-based friends group. Each agreement must include a detailed and agreed-upon description of the scope and location(s) of service to be performed by volunteers on the BLM's behalf. These agreements recognize certain protections to individual volunteers but do not extend protections to partner organizations, as differentiated below:

* **Individual Volunteers** - Individual volunteers are considered the equivalent of federal employees for the purposes of workman's compensation and liability to third parties. This means that they are generally covered by the Federal Employees' Compensation Act for any injury sustained within the scope of their volunteer work as detailed in their Volunteer Services Agreements. Individual volunteers are also generally afforded the protection of the Federal Tort Claims Act for third-party claims (injury or property damage) that the volunteers may cause while acting within the scope of their duties as volunteers.
* **Partner Organizations** - In contrast, partner/volunteer organizations that provide or sponsor volunteers covered by signed Volunteer Services Agreements do not enjoy the same status of being the equivalent of a federal agency for liability purposes. Accordingly, the partner organization as an organization may not rely on the federal government for liability coverage, nor will the U.S. Department of Justice provide representation to a non-federal entity. As such, partner organizations are responsible for their own liability insurance and potential loss.

**Timeframe:** Effective immediately.

**Budget Impact:** None

**Background:** The BLM and the public lands benefit immeasurably from the significant support and contributions of partner organization volunteer groups and individual volunteers. In 2012 alone, the BLM's more than 30,000 volunteers contributed over 1.1 million hours of time, energy, and talent to help further the BLM's important work. Working with volunteers and partners to accomplish the BLM's work and to engage the public in conserving and enjoying our public lands should be a priority at all levels of the agency. Toward that end, clarification of emerging issues related to management of the BLM Volunteers and Partnerships Programs continues to be an important objective in both.

**Manual/Handbook Sections Affected:** BLM Manual Section 1114 (Volunteers)

**Coordination:** The Division of Education, Interpretation, and Partnerships (WO-420) coordinated with the Division of the National Landscape Conservation System (WO-410), and the Solicitor's Office - Division of General Law, U.S. Department of the Interior, in the preparation of this IM.

**Contact:** Should you have any questions concerning this IM, please contact Trevor Needham, BLM National Partnerships Program Lead, at [Trevor\_Needham@blm.gov](https://mail.google.com/mail/?view=cm&fs=1&tf=1&to=Trevor_Needham@blm.gov) or (202) 912-7097.

|  |  |
| --- | --- |
| Signed by: Carl Rountree Assistant Director National Landscape Conservation System and Community Partnerships | Authenticated by:  Robert M. Williams Division of IRM Governance, WO-560 |