

VOLUNTEER WORKERS AND WORKER'S COMPENSATION IN WISCONSIN

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Worker's Compensation Division
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The Wisconsin Worker's Compensation Insurance Act does not provide for worker's compensation coverage for volunteers, including volunteers of non-profit organizations that receive money or other things of value totaling not more than \$10.00 per week. (s. 102.07(11) and 102.07(11m)). Volunteers cannot be covered under a worker's compensation policy and cannot collect worker's compensation benefits if they incur an injury or illness during the course of their voluntary service. The worker's compensation law has no jurisdiction over any other form of relief that may be available to a volunteer.

A volunteer for a non-profit organization that is exempt or eligible for exemption from Federal income taxation under the Federal Internal Revenue Code, who receives nominal payments of money or other things of value totaling not more than \$10.00 per week is not considered to be an employee under the Worker's Compensation Law, unless the non-profit organization elects to cover the volunteer under its policy.

Although the statute is clear that volunteers are not covered by the Worker's Compensation Act, questions often arise regarding coverage for volunteers. The two central questions regarding volunteer workers are:

1. What is the definition of a volunteer?
2. When, how, and if volunteers evolve into employees?

A volunteer is a person who provides services of his or her own free will to or on behalf of an organization or entity who neither receives nor expects to receive any kind of pay or compensation for his or her services.

A popular element of consideration in pondering when, how and if volunteers evolve into employees is "does the worker receive or expect to receive compensation (almost anything of value including discounts, certificates, credits, vouchers, etc.) in exchange for his or her services?" If not, the worker is probably a volunteer. If the answer is yes, they are most likely an employee.

The situation gets murky when the volunteer worker is a member of an organization that receives compensation for providing the services of the volunteer worker. A general "rule of thumb" is if nothing of value changes hands from the recipient of services to the worker (the provider or performer of services) this is probably a volunteer situation. However, if something of value is received, accepted or expected by the worker (the provider or performer of the services) or the organization in exchange for the work performed, an employee/employer relationship may exist. Any claim filed by a worker (the provider or performer of services) injured while performing services under these conditions would be determined by the Worker's Compensation Division according to the facts at the time of injury. There is no way to predict whether the claim would result in a finding that the worker was a volunteer or that there was an employee/employer relationship.

If you have questions regarding volunteer workers and the Wisconsin Worker's Compensation Act, contact the Wisconsin Worker's Compensation Division, Bureau of Insurance Programs, at (608) 266-3046 or write to P.O. Box 7901, Madison, WI 53707-7901.

DWD is an equal opportunity employer and service provider. If you have a disability and need information in an alternate format, or need it translated to another language, please contact (608) 266-1340 voice or (866) 265-3142, TTY.