

Retirees as Volunteers

HB 94/Session Law 2009-11 - Retirees Returning as Unpaid Bona Fide Volunteers

The Department of Public Instruction in collaboration with the Department of State Treasurer (Retirement Systems Division) recently completed a review and analysis of the provisions of HB 94. This law provides new retirees the opportunity to work in the schools as unpaid “bona fide” volunteers during the six months waiting period in certain circumstances.

The following clarification and implementation requirements will allow eligible retirees to return as unpaid bona fide volunteers:

- (1) “Bona fide volunteer” means an individual who:
 - volunteers on his/her own free will
 - does not receive and does not expect to receive compensation

NOTE: **Volunteering is not employment; therefore, volunteers must not be utilized to fill any vacancies in the classroom.**

This policy is contained in the Benefits and Employment Policy Manual under Policy ID #:1 - 1.1.9 Volunteer.

- (2) Retirees who want to volunteer a few hours a week selling concessions at an athletic game, or assisting with fundraisers, among other activities, may do so in the first six months following retirement.
- (3) The following positions are examples of Bona Fide Volunteering activities in Public Schools: answering telephones, posting messages, delivering messages, hall monitor, cafeteria monitor, chaperone, assist with fundraisers, assist in ticket booths, greeters, and selling concessions at an athletic event.
- (4) The following positions are examples of Non-Volunteering activities in Public Schools: teaching, substitute teaching, school administrator, coaching, tutor, remediation, faculty/student advisor, choral director, band director.
- (5) The law does not allow a retiree to volunteer as a classroom teacher, for example in order to hold a job open for the first six months after retirement. That would violate both federal law and state statutes (GS 135-1(20)) prohibiting “intent or agreement, express or implied, to return to service.”
- (6) Volunteering is not employment; therefore, volunteers must not be utilized to fill vacancies that are normally paid positions. The volunteer work must be performed

without promise or expectation of compensation. If volunteering today helps you secure a paid position in the future that is considered as a form of compensation.

- (7) There are some situations that are unclear, for example duties that are sometimes performed by paid employees and sometimes performed by parent or community volunteers. If you are considering volunteering in one of those roles, we strongly suggest that you provide to the Teachers' and State Employees' Retirement System a full written description of the role you are considering so that they can provide additional guidance.

Questions regarding this bill should be directed, in writing, to:

Retirement Systems Division
Department of State Treasurer
325 North Salisbury Street
Raleigh, North Carolina 27603-1385; or email nc.retirement@nctreasurer.com

If teachers, school administrators or others have questions about school district policies, you may contact Joan T. Crump at the N.C. Department of Public Instruction on 919-807-3366, or email jcrump@dpi.state.nc.us.