

dcr

Massachusetts



Volunteers in Parks Program Guide



Guidelines, Requirements & Standards





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Volunteers and volunteerism play an important role in DCR's stewardship and recreational mission and are as essential to the sustainability of our parks and forests system as operational funding. As an agency, we recognize the diversity of opportunity in conducting volunteer activities on DCR property and acknowledge that volunteers often seek out these opportunities as individuals, as members of Nonprofit Organizations, or other types of community, corporate, educational, recreational, and civic organizations. Regardless of how you volunteer, we are grateful for your service and appreciate your time in learning more about DCR's Volunteers in Parks Program. This section is designed to provide a brief overview of this guide and some of the key provisions related to several pertinent topics. We encourage you to review the remainder of this document for more detailed information.



The development of this guide was largely prompted by the need to establish a consistent process for proposing and reviewing volunteer projects on DCR property as well as passage in 2007 of a bill entitled "An Act Relative to Volunteers in State Parks," which became codified in MGL c. 21, §17G. This bill was the result of the efforts and advocacy on the part of several Park Friends Groups. This law allows DCR to enhance partnership opportunities with Nonprofit Organizations that seek to organize volunteer activities and fundraising/special event activities on DCR property in instances where these activities further a public purpose of the Department and any funds raised are expended to support or improve a DCR facility or program. In allowing DCR to co-sponsor and participate in volunteer events and activities organized by Nonprofit Organizations, the law empowers DCR to enter into agreements with Nonprofit Organizations that allow the volunteers participating in activities under the agreement to enjoy the Commonwealth's liability protections in MGL c. 258 as "uncompensated public employees" (much like volunteers under supervision of the Department currently enjoy). Achieving the intent of the 2007 legislation as it pertains to DCR's relationship and partnership with Nonprofit Organizations and their volunteers is therefore a key goal of this program guide.

In addition to implementing the above-mentioned statutory provisions, the development of this guide provided DCR with an opportunity to achieve the goal of standardizing and simplifying the process for proposing, reviewing, and conducting all volunteer activities – whether under the supervision of the Department or a Nonprofit Organization – on DCR property statewide. In doing so, we have established a single Volunteer/Stewardship Agreement (VSA) Form that can be used by individual volunteers and organizations alike to propose a wide variety of one-time or on-going volunteer projects that can range from common stewardship activities, like litter cleanup and landscaping, to fundraising and special event activities. As it relates to review of proposed VSA Forms, this guide sets clear expectations and timelines for both stewardship activities and fundraising/special event activities while also establishing a streamlined review process for many of the most common stewardship activities.

DCR also recognizes that concerns around liability; risk; and the protection of volunteers, DCR staff, the public, and the resources under our care are paramount. As an agency that interacts with the public and provides a direct public service on a daily basis, promoting a safe environment is a critical goal. In working with volunteers and organizations we will strive to promote best practices and support effective management and leadership to ensure rewarding and safe volunteer experiences. Given the general drive to provide a positive public service that frequently motivates volunteers to give of their time and talents, we hope and certainly expect that our partners will share in DCR's efforts to promote safety and ensure

that all regulatory requirements are met prior to engaging in more complex and dynamic volunteer activities.

Whether you are new to volunteering with DCR or a long-time partner, we trust that this guide will provide sufficient and succinct information to help you understand our process and to steer you in the right direction. Once again, thank you for your interest in serving and volunteering. We hope that this guide will serve as a living document that allows us to continually improve and enhance our encouragement and support of volunteer stewardship.



I. Welcome – The Value of Volunteers



The Massachusetts Department of Conservation and Recreation (DCR) welcomes our volunteers and their active participation in the stewardship of the natural, cultural, and recreational resources in the Agency's care. You support our professional staff in achieving DCR's mission of protecting, promoting, and enhancing these resources for the appreciation, enjoyment, and well-being of current and future generations. You bring real, visible improvements to our public lands and you enhance the range and availability of programs that help others to understand our natural and cultural resources. Through your

commitment, you help expand public awareness and understanding of resource management decisions, strengthen ecological values in our communities, and build public support for the Commonwealth's parks and forests. By sharing your time, talents, and effort you enrich the experience of visitors, help preserve sensitive natural and cultural resources, keep active, and engage in rewarding stewardship that reflects your personal values and the values of our communities and our Commonwealth. DCR welcomes you and thanks you.



II. Your Stewardship Role

As a part of DCR's Volunteers in Parks Program, a volunteer is an individual who, under the direction of Department staff or as a member of a Nonprofit Organization or other types of community, corporate, educational, and civic organizations performs services that assist in the accomplishment of DCR's mission. Volunteers contribute in many ways and perform a variety of duties that not only assist our staff, but enhance our resources and services. In addition, volunteer activities can often involve individual and/or small group projects as well as larger-scale efforts involving a greater number of volunteers.

Some of the most common volunteer stewardship activities are listed below:

- General clean-ups of an area, including litter and refuse removal.
- Assisting DCR staff with educational programs or events.
- Removing invasive plant species.

- Researching historical or scientific information regarding park resources or property.
- Maintaining a park's recycling center; sorting recyclable materials from non-recyclable materials.
- Planting flowers, trees or shrubs to enhance landscaping, create habitat or otherwise enhance a DCR property or facility.
- Performing minor trimming or weeding with hand tools.
- Performing trail maintenance activities with hand tools such as removing fallen limbs, trimming brush, and maintaining drainage structures, creating steps, re-blazing existing trails, and maintaining existing bog bridges.
- Organizing activities or events intended to promote public awareness and appreciation for park resources.



For the protection of our volunteers and the Commonwealth, the following provisions must be observed by volunteers:

- Volunteers may not operate state-owned vehicles, including pick-up trucks, golf carts, or other vehicles. However, volunteers may ride as passengers in state vehicles only while performing assigned duties or services.
- Although volunteers may not operate state-owned power equipment, volunteers may use and operate personal or Nonprofit Organization-owned power equipment (such as chainsaws) when conducting stewardship activities when these activities have been authorized by DCR in a Volunteer/Stewardship Agreement Form.
- Volunteers may not collect parking fees, camping fees, or other revenue from the public, including disbursement of park funds to the public or other volunteers.
- Volunteers may not wear DCR uniforms or represent themselves as DCR employees.

Volunteers may not engage in any duty or activity that may be considered direct enforcement of park rules or regulations or other state regulation or law. Volunteers should report any enforcement concerns or issues to park staff.

III. *Getting Started*

Communication is Key

The most important ingredient in a safe and effective stewardship experience is communication. Timely and efficient communication ensures a clear, shared understanding of the agency's stewardship needs and the volunteer's interests. This section outlines the communication process for stewardship activities.



Working with DCR Staff

DCR is truly fortunate to have such a remarkable team of dedicated, skilled, and professional staff members who contribute their expertise on a daily basis to the management and stewardship of the Massachusetts parks system. They bring years of education and experience in their profession and a strong understanding of the regulatory, natural resource, and public safety concerns that may influence a volunteer project. They are happy to share that knowledge with you. Effective communication with our field staff will

result in a better volunteer experience for you and a better project outcome. We benefit from the interactions too, as our professional staff gains a richer understanding of community interests, leaders, and values.

The First Step: The Volunteer/Stewardship Agreement Form

The first step in the process is the Volunteer/Stewardship Agreement Form (VSA). The VSA Form ensures that DCR staff and the volunteer or sponsoring organization have a clear and common understanding of the scale, scope, and timing of the proposed stewardship activity. Organizations or volunteers that perform stewardship activities throughout the course of the year may also propose and request approval of these ongoing activities under a single VSA Form (see Appendix A for further explanation of the Volunteer/Stewardship Agreement Form).

The VSA Form can be completed electronically and submitted via email. We strongly encourage you to complete and submit VSA Forms electronically. VSA Forms must be submitted to the Facility Supervisor or manager of the property where you would like to conduct a stewardship activity. To access a copy of the VSA Form, please visit our website at <https://www.mass.gov/doc/volunteerstewardship-agreement/download>.

To ensure adequate coordination between DCR and the project proponent, VSA Forms that propose only stewardship activities must be submitted to DCR **at least 14 days prior** to the proposed date of a volunteer activity (see Appendix A for further explanation of stewardship activities). The Agency may waive the 14-day requirement in the case of Common Volunteer Activities listed in Section II of this guide.

In cases involving stewardship activities in sensitive or regulated areas requiring state or local environmental permits or reviews by other DCR bureaus or divisions, project proponents should consult early with DCR staff to determine how far in advance to submit their VSA Form to ensure ample time to complete these permitting and review processes. As owner and steward of its properties, DCR staff will work with the project proponent to accomplish these tasks.

Review and Approval of VSA Forms

DCR will review the VSA Form to ensure that the proposed stewardship activities conform to DCR's mission and are consistent with the management objectives for the facility where the activities are to occur.



In general, and depending upon the complexity of the activities proposed, VSA Forms will be reviewed and a response will be issued by DCR within 14 days of receipt. In most cases, VSA Forms that only propose stewardship activities listed among the “Common Volunteer Stewardship Activities” identified in Section II of this guide may be reviewed and approved sooner by a Facility Supervisor or District Manager.

Upon approval of a VSA Form, DCR will be considered a co-sponsor and may also participate in the proposed stewardship activities. As such, any volunteer working under the direction of Department staff or a Nonprofit Organization (who also signs a Volunteer Release Form before beginning his/her volunteer duties) will be considered an “uncompensated public employee” within the meaning of MGL c. 258 while acting within the scope of their authorized volunteer duties (see Appendix A for further explanation of the Volunteer Release Form). In addition, a volunteer must also appear on the Volunteer Service Log in order to enjoy the protections provided in MGL c. 258.

Protecting Our Volunteers and the Commonwealth

In reviewing VSA Forms and determining whether to co-sponsor a stewardship activity with a Nonprofit Organization, DCR will exercise its full discretion in assessing the magnitude of potential risks and the capacity of the proponent and/or their volunteers to manage or mitigate those risks. The agency reserves the right to require proponents to obtain any required permits or certifications as part of DCR’s approval process. Any stewardship activities proposed in a VSA Form may be denied if, in the Agency’s estimation, the activities:

- present a significant safety risk to volunteers, DCR employees, or the general public and the proponent cannot demonstrate the capacity to effectively manage or mitigate those risks;
- pose a risk to a DCR resource and/or does not align with the agency’s resource management goals;
- include work with certain power tools or equipment for which volunteers are unable to demonstrate adequate training or knowledge of safe operation;
- would likely create a negative impression about the Department or the parks system;
- would likely impose excessive liability upon the Department and Commonwealth; or
- impose additional and/or unreasonable costs on the Department.



Although Nonprofit Organizations may propose volunteer stewardship activities involving the use of chainsaws by volunteers, in reviewing these proposals DCR will consider the following factors:

- A Nonprofit Organization’s demonstrated experience and history of safe and effective practices in chainsaw operation.

- The scope, scale, and complexity of the proposed project.
- The anticipated project completion time.

Volunteers operating chainsaws should wear proper personal protective equipment and are also encouraged to complete specific training for the safe operation of chainsaw equipment.

Volunteers or organizations that engage in activities without an approved VSA Form or perform activities beyond the scope of an approved VSA Form without prior written consent from DCR may be precluded from performing future volunteer stewardship activities on DCR property.



IV. Volunteer Fundraising / Special Event Activities

Massachusetts law allows DCR to co-sponsor fundraising/special event activities during which a Nonprofit Organization charges admission or solicits donations. However, in accordance with the law, DCR may only enter into such a co-sponsorship arrangement when the event or activity is organized by a Nonprofit Organization, furthers a public purpose relevant to DCR, and any funds raised are used to support or improve a DCR program or property.¹

The First Step: The Volunteer/Stewardship Agreement Form

Once again, the first step in proposing such events or activities is the submittal of a Volunteer/Stewardship Agreement Form to the Facility Supervisor or manager of the property where the event will take place. The VSA Form ensures that DCR staff and the Nonprofit Organization have a clear and common understanding of the scale, scope, and timing of the proposed fundraising/special event activity. Nonprofit Organizations that perform multiple fundraising/special event activities may also propose and request approval of these reoccurring activities under a single VSA Form.



The VSA Form can be completed electronically and submitted via email. We strongly encourage you to complete and submit VSA Forms electronically. To access a copy, visit our website at <https://www.mass.gov/doc/volunteerstewardship-agreement/download>.

To ensure adequate coordination between DCR and the event proponent, Nonprofit Organizations need to submit their VSA Form to DCR at least **45 days prior** to the proposed fundraising/special event. Event proponents are encouraged to attach and submit any relevant additional information such as route maps, site set up diagrams, schedule, and any other event details that may assist the Agency in its review.

¹ DCR recognizes that some Nonprofit Organizations may wish to conduct fundraising/special event activities on DCR property without DCR's co-sponsorship. In cases where DCR determines that a proposed fundraising/special event activity does not meet the criteria set forth in MGL c. 21, §17G or a Nonprofit Organization chooses not to request DCR co-sponsorship, organizations may still request use of a DCR property for a fundraising/special event using the Agency's existing Special Use Permit process.

Review and Approval of VSA Forms

After receiving a VSA Form, DCR will then review it in order to determine whether to co-sponsor the event(s). As a part of the review process, DCR will ascertain, based on the information provided by the Nonprofit Organization, whether the proposed fundraising/special event activity conforms to the statutory constraints in MGL c. 21, §17G requiring that the event or activity further a public purpose relevant to DCR and that any funds raised are used to support or improve a DCR program or property.

In assessing whether an event or activity “furthers a public purpose of the department,” DCR will attempt to ascertain primarily whether the event or activity aligns with the Agency’s mission to “protect, promote, and enhance our common wealth of natural, cultural, and recreation resources for the well-being of all.” In addition, the Department will conduct its review through the lens of several other overarching Agency goals and objectives including, but not limited to:

- Promoting natural or cultural resource conservation, stewardship, and appreciation
- Improving and enhancing access to outdoor recreational opportunities
- Restoring, improving, and enhancing our facilities, amenities, and green infrastructure
- Expanding opportunities for public involvement in carrying out DCR’s mission
- Improving the health, happiness, and quality of life of people across Massachusetts
- Increasing our capacity to understand, address, and adapt to climate change



If DCR approves a VSA Form that includes fundraising/special event activities, the Agency will be considered a co-sponsor and any participating volunteer of the Nonprofit Organization who also submits a Volunteer Release Form before beginning his/her volunteer duties will be considered an “uncompensated public employee” within the meaning of MGL c. 258 while acting within the scope of their authorized volunteer activities. Volunteers must also appear on the Volunteer Service Log in order to be considered recognized volunteers.



Protecting Our Volunteers and the Commonwealth

It is important to remember that certain event-related activities, such as setting up of tents, staging, and scaffolding, will require approval from the Massachusetts Department of Public Safety and that the on-site preparation of food may require approval from the local Board of Health and/or Fire Department. The Nonprofit Organization proposing such activities must seek and obtain any necessary permits from state or local agencies beyond DCR’s jurisdiction.

In reviewing VSA Forms and determining whether to co-sponsor a fundraising/special event activity, DCR will exercise its full discretion in assessing the magnitude of potential risks and the capacity of the Nonprofit

Organization and/or its volunteers to manage or mitigate those risks. As such, the agency reserves the right to require proponents to obtain or demonstrate possession of any required permits or certifications as part of DCR's approval process. Any fundraising/special event activities proposed in a VSA Form may be denied if, in the Agency's estimation, the activities:

- present a significant safety risk to volunteers, DCR employees, or the general public and the proponent cannot demonstrate the capacity to effectively manage or mitigate those risks;
- would likely create a negative impression about the Department or the parks system;
- would likely impose excessive liability upon the Department and Commonwealth; or
- impose additional and/or unreasonable costs on the Department.

Nonprofit Organizations that engage in fundraising/special event activities without an approved VSA Form or perform activities beyond the scope of an approved VSA Form without prior consent from DCR may be precluded from performing future fundraising/special event activities on DCR property.

Financial Reporting for Fundraising/Special Event Activities

The law that allows DCR to co-sponsor fundraising events also requires that Nonprofit Organizations who conduct these events provide the Department with an annual accounting of funds and expenditures associated with these activities. Any Nonprofit Organization that conducts a fundraising event pursuant to an approved VSA Form must submit an annual report of all funds raised and expenses associated with each event no later than February 1st of the following calendar year. As a part of this report, event sponsors should also provide a brief description of each event and details on how the funds were or will be used to support or improve a DCR program or property. These reports should be submitted to the Director of Partnerships, Division of External Affairs and Partnerships, Department of Conservation and Recreation, 251 Causeway Street, Boston, MA 02114.



V. Tort Liability Protections for DCR & Nonprofit Organization Volunteers

Tort liability generally applies when an action or actions on the part of one individual results in injury to another person or damage to property. When individuals are engaged in volunteer activities under the direct supervision and authorization of the Department, they are normally protected under the state's Tort Claims Act (MGL c. 258) as "uncompensated public employees" while they are performing the duties and responsibilities within the scope of an approved volunteer project for the Department. For example, if a volunteer, while performing their assigned trail maintenance duties accidentally leaves a rake on the trail and a park visitor later trips over the rake and breaks her leg, the injured person may file a lawsuit against the volunteer. In such instances, the volunteer may be defended and covered by the Department as an "uncompensated public employee." Decisions regarding the Department's obligations to a volunteer in these situations will be assessed on a case by case basis and in the case of any litigation, the final

determination of whether a person is considered an “uncompensated public employee” is made by the Attorney General’s Office.



Volunteers engaged in activities on DCR property (including fundraising/special event activities) directly supervised and managed by a Nonprofit Organization, however, did not previously enjoy liability protections under these same provisions. This often required Nonprofit Organizations to obtain liability insurance when performing activities on DCR property if the organization did not already possess an existing general liability insurance policy.

In 2007, “An Act Relative to Volunteers in State Parks” was enacted by the Massachusetts State Legislature and signed into law by Governor Deval Patrick (codified in MGL c. 21, §17G; see Appendix B). The Act allows DCR to co-sponsor and participate in volunteer events and activities organized by Nonprofit Organizations. In allowing DCR to enter into agreements with Nonprofit Organizations for volunteer activities, the Act also specified that where DCR chooses to co-sponsor an event or activity organized by a Nonprofit Organization, the volunteers of the Nonprofit Organization may also be considered “uncompensated public employees” and enjoy the Commonwealth’s liability protections under MGL c. 258 while acting within the scope of approved activities. According to the Act, these activities may include stewardship activities as well as fundraising/special event activities.

In reviewing proposals submitted by Nonprofit Organizations and determining whether to co-sponsor an event or activity (and thereby extend liability protection to their volunteers), the Act provides two specific minimum conditions that must be met. These conditions stipulate that:

- the event or activity must further a public purpose of the Department (see Section IV above for additional information) and
- any funds raised are used and expended by the Nonprofit Organization or the Department for supporting or improving a facility or program of the Department.

In addition, and as noted elsewhere in this guide, DCR’s Volunteers in Parks Program sets forth two additional requirements for individual volunteers to be considered “uncompensated public employees.” These requirements include:

- signing a Volunteer Release Form before starting one’s duties and
- being recorded in the Volunteer Service Log.

It is important to note that volunteers, whether under the supervision of DCR or a Nonprofit Organization cannot be indemnified for any misconduct deemed intentional torts or a violation of a person’s civil rights under MGL c. 258, §9.

When it comes to issues concerning liability and whether an organization should possess their own general liability insurance, DCR encourages Nonprofit Organizations to consult with their legal counsel. While passage of “An Act Relative to Volunteers in State Parks” (MGL c. 21, §17G) enhances opportunities for DCR to partner with Nonprofit



Organizations and provides direct benefits to individual volunteers with regard to liability protections, it is important to understand that the Act does not affect any potential liability of a Nonprofit Organization with respect to tort claims involving injury, harm, or damaged caused to other people or property.



Volunteer Release Form

Volunteers – whether working individually or on behalf of a Nonprofit Organization – must sign a Volunteer Release Form in order to receive the Commonwealth’s liability protections as an “uncompensated public employee.”

Recognizing that volunteer activities can often involve individual and/or small group projects as well as larger-scale efforts involving a greater number of volunteers, DCR has developed and provided two versions of the Volunteer Release Form that can be used to accommodate a variety of situations. While one version of the release form provides space for a single volunteer (to accommodate smaller-scale projects involving fewer volunteers) the second version provides space for several volunteers (to accommodate larger-scale projects involving a greater number of volunteers).

To access a copy of either version of the Volunteer Release Form, please visit our website at <https://www.mass.gov/doc/dcr-volunteer-release-form-single/download>

Volunteers must sign a Volunteer Release Form before beginning their duties. The form may be completed and signed on the same day of a volunteer activity. When volunteers participate in multiple or ongoing activities that are contained in a single VSA Form they only need to sign one Volunteer Release Form for the activities contained in the Volunteer/ Stewardship Agreement.

Nonprofit Organizations are responsible for submitting any signed Volunteer Release Forms to the Facility Supervisor or manager within 5 days of beginning a volunteer activity or event. For example, if an activity occurs on Saturday, completed and signed release forms are due to DCR by the following Thursday.

DCR will maintain copies of Volunteer Release Forms together with the applicable VSA Form at the appropriate facility or district office.

In addition to signing a release form, volunteers must also appear on the Volunteer Service Log in order to be considered recognized volunteers (see the next section for more information).



VI. Documenting & Reporting Volunteer Service

Volunteer Service Log

DCR sincerely appreciates the stewardship efforts of our volunteers and has established a process to record your contributions. Volunteer project proponents – whether DCR staff or an organization – must maintain a Volunteer Service Log as a part of each approved VSA Form. The log is designed to capture the name and activities performed by each participating volunteer and to track the date and number of service hours provided by each volunteer performing work as part of the activities contained in the

approved VSA Form. To access a copy of DCR's Volunteer Service Log, please visit our website at <https://www.mass.gov/doc/dcr-volunteer-service-log/download>.

Any organization conducting volunteer activities under an approved VSA Form is responsible for ensuring that the relevant data for each volunteer is collected and entered into the Volunteer Service Log. In addition, an authorized representative of the organization must sign and submit the log to the appropriate DCR facility staff within 5 days of completing an approved volunteer activity.



DCR understands that many organizations that engage the service of volunteers may already have existing volunteer rosters or logs designed to document the contributions of their volunteers. In an effort to streamline the process of documenting volunteer contributions in a service log, DCR may accept an organization's existing volunteer roster/log in lieu of DCR's Volunteer Service Log. In order to do so, the organization's volunteer roster/log must document the same essential information captured in DCR's log. This information includes: facility name/location, volunteer name, date of service, a description of the activities performed, and the number of service hours performed.

For those volunteer activities where the volunteer is working directly with and under the supervision of DCR staff, the supervising staff member will be responsible for ensuring that all relevant information is collected and entered into the Volunteer Service Log within 2 days of completing an approved volunteer activity.

DCR will maintain completed Volunteer Service Logs together with the applicable VSA Form at the appropriate facility or district office.

It is important to note that if your volunteer activity was sponsored or supervised by DCR staff or a Nonprofit Organization that in order to be considered a volunteer and to enjoy the liability protections provided to an "uncompensated public employee" (under MGL c. 258), a volunteer's information must appear in a Volunteer Service Log. For the purposes of DCR's Volunteers in Parks Program and the liability protections offered through this program, service hours recorded in the log should be reflective of the actual time spent by a volunteer on DCR property.

VII. *Volunteer Activities Involving Minors*

Across our entire parks system, DCR's volunteers represent a wide diversity of social groups and often include young people. For the purpose of DCR's Volunteers in Parks Program, minors are defined as individuals under the age of 18. Minors may serve as volunteers for activities directly organized and supervised by DCR staff or by Nonprofit Organizations. In all cases, however parental/guardian permission is required before a minor begins his/her volunteer duties and a Volunteer Release Form must be signed by a parent or guardian.

A copy of DCR's Parental/Guardian Permission Form can be obtained by visiting our website at <https://www.mass.gov/doc/dcr-parentguardian-permission-form-for-volunteer-activities-involving-minors/download>. This form may be used by DCR staff or by Nonprofit Organizations that do not currently have their own procedures or forms. Only one signed and completed Parental/Guardian Permission Form is needed for minors who participate in multiple or ongoing volunteer activities that are part of a single VSA Form. Minors who arrive at a volunteer work site with adults who are not their parents/guardians will not be allowed to participate in volunteer activities without the prior permission of a parent/guardian.



In the case of volunteer activities organized and supervised by a Nonprofit Organization in which minors serve as volunteers, it is the Nonprofit Organization's responsibility to obtain parental/guardian permission. In these situations, a Nonprofit Organization with established procedures and forms for documenting parental/guardian permission may continue to utilize their existing procedures and forms.

In the case of volunteer activities involving individual minors as project proponents or where a DCR staff person is the project proponent, it is the responsibility of that staff person to obtain signed and completed Parental/Guardian Permission Forms and to maintain copies of all permission forms together with the approved VSA Form.

Nonprofit Organizations are responsible for obtaining parental/guardian permission for minors and must submit the parental/guardian permission forms with signed Volunteer Release Forms to the Facility Supervisor or manager.

While volunteering fosters a spirit of citizenship and provides opportunities to acquire new skills or knowledge, it is important that adult supervision be provided and maintained while a minor is performing his/her volunteer duties. While in some cases DCR staff may be available to supervise and participate in volunteer activities involving minors, DCR may require that a parent/guardian or adult over the age of 18 accompany and supervise the minors while they perform their volunteer service. In the case of volunteer activities where a Nonprofit Organization is the project proponent on an approved VSA Form, it is the responsibility of the Nonprofit Organization to oversee and supervise the work of any minor.



When minors are involved in volunteer activities on DCR property, state labor restrictions concerning individuals under the age of 18 must be followed. Foremost, any work that is considered potentially hazardous to life or limb, such as operating heavy equipment or machinery, or handling hazardous chemicals or materials, should not be performed by minors. For further guidance regarding state labor restrictions, please visit the following website:

<http://www.mass.gov/lwd/labor-standards/dls/youth-employment/summary-of-massachusetts-laws-regulating.html>.



VIII. Volunteer Activities Sponsored by Other Private Sector Organizations

In addition to the volunteer efforts of Nonprofit Organizations, DCR is also fortunate to work with a variety of partners and private sector organizations that, although they may not fit within the definition of a "Nonprofit Organization," provide considerable and valuable service to the Agency and our parks system. Although the 2007 "Act Relative to Volunteers in State Parks" (MGL c. 21, §17G) is specific to the volunteers of Nonprofit Organizations, it does not address volunteer activities or events sponsored by other types of organizations or entities and does not extend liability protections to their volunteers. Despite this, DCR believes that the contributions of volunteers working on behalf of these organizations ought to be documented and recognized and that this guide should also provide information on the process and requirements to be expected when these organizations or entities propose volunteer activities on DCR property.



In general, other types of private sector organizations and entities wishing to propose volunteer activities on DCR property (including fundraising/special event activities in which the event or activity furthers a public purpose relevant to DCR's mission and any funds raised are used to support or improve a DCR program or property) should follow the same processes outlined above in Sections III and IV; including communicating with field staff and completing and submitting a VSA Form for DCR review.

All volunteers involved with the activity or event must sign and submit a Volunteer Release Form and, to make certain that the contributions of each volunteer are documented, the organization will also be responsible for ensuring that a Volunteer Service Log is completed and submitted. (See Sections V and VI above for more information regarding the Volunteer Release Form and the Volunteer Service Log.)

At least **14 days** prior to the event or activity date, and in order for the VSA Form to be approved, the organization or entity must provide a Certificate of General Liability Insurance with a minimum of \$1 million in liability coverage that:

- names the Commonwealth of Massachusetts and the Department of Conservation and Recreation as an additional insured,
- lists the date(s) of the event or activity, and
- identifies the location(s) of the event or activity.

This certificate does not need to be provided when you submit your VSA Form to DCR for review. It must, however, be submitted at least **14 days** prior to your event in order for an approved VSA Form to be issued.



IX. Contact Information

DCR sincerely appreciates your contribution to Massachusetts State Parks. Our volunteers improve our parks, enhance our agency, and strengthen our Commonwealth. For any questions regarding volunteer projects or opportunities please feel to contact one of our Regional or District Offices so that you may be directed to the appropriate staff person. The statewide map in Appendix C provides the geographic boundaries of and the properties within each of our regions and districts.

Should you have any questions regarding DCR's Volunteers in Parks Program or this Guide, you may also contact DCR's Main Office to be connected with the appropriate staff person.

DCR Main Office

251 Causeway Street, Suite 600
Boston, MA 02114
617-626-1250

DCR Boston Region

- Boston Region Headquarters
165 Day Boulevard
Boston, MA 02127
617-727-5290
- Neponset/Stony Brook District
12 Brainard Street
Hyde Park, MA 02136
617-333-7405
- Boston Rivers District
10 North Point Boulevard
Cambridge, MA 02141
617-727-1058

DCR North Region

- North Region Headquarters
25 Shattuck Street
Lowell, MA 01852
978-937-2092
- Middlesex/Essex District
Botume House, 4 Woodland Road
Stoneham, MA 02180
617-727-1199
- Coastal District
Elliot House, 1 Elliot Circle
Revere, MA 02151
781-485-2803
- Metro West District
984 Lowell Street
Carlisle, MA 01741
978-369-7834

DCR South Region

- South Region Headquarters
194 Cranberry Road
South Carver, MA 02366
508-866-2580
- Islands District
30 Shipyard Drive
Hingham, MA 02043
781-740-1605
- Cape Cod & Islands District
20 Scusset Beach Road
Sandwich, MA 02563
508-888-0859
- SouthCoast District
200 Davol Street
Fall River, MA 02720
508-675-5759

DCR Central Region

- Central Region Headquarters
355 West Boylston Street, Route 110
Clinton, MA 01510
978-368-0126
- Central Highlands District
355 West Boylston Street, Route 110
Clinton, MA 01510
978-368-0126
- Central Valley District
287 Oak Street
Uxbridge, MA 01569
413-442-0446

DCR West Region

- West Region Headquarters
740 South Street
Pittsfield, MA 01202
413-784-1828
- Mountain District
115 State Street, Building 4
North Adams, MA 01247
413-663-5115
- Lakes District
410 Tolland Road
East Otis, MA 01029
413-269-6845
- Connecticut River Valley District
136 Damon Road
Northampton, MA 01061
413-586-8706

DCR Division of Water Supply Protection

- Quabbin Reservoir & Ware River Watersheds
485 Ware Road
Belchertown, MA 01007
413-323-7221
- Wachusett & Sudbury Reservoir Watersheds
180 Beaman Street
West Boylston, MA 01583
508-792-7806



Appendix A – Important Terms

Co-sponsor refers to DCR's determination to assume joint responsibility with a Nonprofit Organization for events or volunteer activities in a Volunteer/Stewardship Agreement Form. When DCR chooses to co-sponsor a volunteer activity, volunteers may be considered "uncompensated public employees" under MGL c. 258 and enjoy the protections of the Commonwealth's liability protections.

Nonprofit Organization refers to a Friends Group, Organized Community Group, or Activity-Oriented Group² that is either:

- a registered 501(c)(3) nonprofit, tax-exempt organization; or
- a not-for-profit organization that serves a public benefit and is operated primarily for charitable, civic, education, religious, welfare, or health purposes.

Volunteer refers to an individual who performs services under the direction of DCR staff or for a Nonprofit Organization who does not receive compensation or any other thing of value in place of compensation in excess of \$500 per year. This term includes volunteers serving as a director, officer, trustee, or direct service volunteer. Volunteers who perform volunteer duties that are consistent with and under an approved Volunteer/Stewardship Agreement Form may be considered "uncompensated public employees" (and therefore covered under the Commonwealth's liability protections pursuant to MGL c. 258 and the provisions in MGL c. 21, §17G) while performing those duties.

Volunteer Activity refers broadly to two different categories of volunteer activities that are contemplated and mentioned in this document.

- **Stewardship Activities:** Encompasses activities that may include, but are not limited to, interpretive educational activities, trail clearing, planting, and litter pick-up.
- **Fundraising/Special Event Activities:** Within the context of DCR's Volunteers in Parks Program and this guide, fundraising/special event activities applies to events or activities coordinated by a Nonprofit Organization and co-sponsored by DCR through an approved Volunteer/Stewardship Agreement Form. MGL c. 21, §17G allows DCR to partner with Nonprofit Organizations that seek to organize fundraising/special event activities on DCR property. In addition, the law sets for two criteria the agency must use in determining whether to co-sponsor an event. In determining whether to co-sponsor a fundraising/special event activity, DCR will use its discretion to ascertain that (1) the event or activity furthers a public purpose relevant to DCR and (2) that any funds raised will be used to support or improve a DCR program or facility.

² Friends Groups are organized to support a specific park or group of parks and play a role in projects that include, but are not limited to, events, advocating for park resources, promoting park activities, and raising funds to support park programs and infrastructure improvements. Organized Community Groups or Activity-Oriented Groups include scout troops, civic organizations, garden clubs, trail groups, and other groups that support a park or group of parks as a secondary aspect of their organizational mission or purpose. These groups frequently volunteer their skills, energy, and expertise on a specific project or projects at DCR properties.

Other private sector organizations that do not meet the definition of a “Nonprofit Organization” above may also propose and sponsor volunteer stewardship activities or fundraising/special event activities on DCR property. So long as the event or activity furthers a public purpose relevant to DCR and any funds raised are used to support or improve a DCR program or property, the organization may propose volunteer activities by completing and submitting a Volunteer/Stewardship Agreement Form consistent with the provisions in this guide. For additional information on volunteer activities involving other private sector organizations, please review Section VIII of this guide.

Volunteer/Stewardship Agreement (VSA) Form refers to an agreement between DCR and a volunteer or an organization that may include stewardship activities and/or fundraising/special event activities. A VSA Form may include a single volunteer activity or several volunteer activities over a specified period of time. Submittal of a VSA Form serves as the first step in requesting DCR’s approval of a volunteer activity. Specifically, the VSA Form:

- Documents and formalizes DCR’s approval (and co-sponsorship in the case of activities proposed by Nonprofit Organizations) of a proposed volunteer activity.
- Documents the scope of the volunteer activities and logistical information.
- Documents any requisite training/certifications required for performing certain volunteer activities or any necessary state/local permits
- Allows any volunteer working under the direction of DCR staff or a Nonprofit Organization who also signs a Volunteer Release Form to be considered an “uncompensated public employee” and therefore covered under the Commonwealth’s liability protections in MGL c. 258. See Section V of the Volunteers in Parks Program Guide for more information.

There is no fee for submitting a VSA Form to DCR for review and consideration.

Volunteer Release Form allows an individual working under the direction of DCR staff or a Nonprofit Organization to be considered a “volunteer” according to the guidelines in this document and to receive the liability protections provided to an uncompensated public employee under MGL c. 258. With regard to Volunteer Release Forms, it is important to note:

- Volunteers must sign and submit a Volunteer Release Form to DCR **or** to the supervising Nonprofit Organization coordinating the volunteer activities before starting their duties. While volunteers may sign and submit their release form to DCR or the Nonprofit Organization either before or on the day in which they choose to volunteer, the main point is that volunteers must sign the release form before they are allowed to begin their duties in the field.
- Nonprofit Organizations are responsible for submitting any signed Volunteer Release Forms to the Facility Supervisor or manager within 5 days of beginning a volunteer activity or event. For example, if an activity occurs on Saturday, completed and signed release forms are due to DCR by the following Thursday.
- DCR shall maintain copies of Volunteer Release Forms together with the applicable VSA Form at the appropriate facility or district office.

When a VSA Form includes a variety of ongoing volunteer activities co-sponsored with DCR, volunteers participating in those activities only need to complete **one** Volunteer Release Form for the activities contained in the Volunteer/Stewardship Agreement.



Appendix B – Authorizing Legislation

In 2007, *An Act Relative to Volunteers at State Parks* was enacted by the Massachusetts State Legislature and signed into law by Governor Deval Patrick. This Act declared “that volunteer activities and events serve an important public purpose, assist in the enhancement, preservation and improvement of the park system in the Commonwealth, and that a program is required to help foster and assist in the stewardship of [DCR] properties through encouraging volunteer activities and partnerships with nonprofit organizations” (codified in MGL c. 21, §17G). In addition to this, the Act also allowed DCR to co-sponsor and participate in events and activities, including fundraising events, organized by Nonprofit Organizations in which “the event or activity furthers a public purpose of the department and the funds are used and expended by the nonprofit organization or department only for supporting or improving a facility or program of the department.”

In allowing DCR to enter into agreements with Nonprofit Organizations for volunteer activities, the Act also specified that where DCR chooses to co-sponsor an event or activity organized by a Nonprofit Organization, the volunteers of the Nonprofit Organization may also be considered “uncompensated public employees” and enjoy the Commonwealth’s liability protections under MGL c. 258 while acting within the scope of the activities contained in the agreement. According to the Act, these activities may include stewardship activities, such as those mentioned in Section III of this guide, as well as fundraising and/or special event activities in which the event serves a public purpose relevant to DCR and any funds raised are used to support or improve a DCR program or facility.³

In light of the mandates and conditions outlined above, this guide is intended to coordinate all volunteer activities on DCR property and to meet the intent of MGL c. 21, §17G to establish guidelines, requirements, and standards that satisfy its core objectives of:

- Outlining the process for approving and authorizing volunteer projects and registering volunteers.
- Providing guidance on delegating the direction, control, safety, and supervision of volunteers to Nonprofit Organizations.
- Facilitating the reporting to DCR of funds generated and expenses incurred by Nonprofit Organizations during a fundraising/special event activity on DCR property.
- Considering the volunteers of Nonprofit Organizations as “uncompensated public employees” under MGL c. 258 when they are performing volunteer duties and responsibilities consistent with an approved agreement between the Nonprofit Organization and DCR.

It is important to note that the guidelines in this document only apply to activities performed by volunteers, or the volunteer members of a Nonprofit Organization, that have been authorized by DCR on DCR property.

³ DCR recognizes that some Nonprofit Organizations may wish to conduct fundraising/special event activities on DCR property without DCR’s co-sponsorship. In these cases, organizations may still request a Special Use Permit using the Agency’s existing Special Use Permit Process. For additional information on DCR’s Special Use Permit Application process please visit: <http://www.mass.gov/eea/agencies/dcr/massparks/permits-rentals/special-use-permits.html>.



PART I- ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)

TITLE II- EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH

CHAPTER 21- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Section 17G- Agreements with nonprofit organizations for stewardship services; charge or solicitation of donations for activity or event on department of conservation and recreation property; liability of volunteer; posting of volunteer guidelines on website

Section 17G. (a) For purposes of this section, the words “nonprofit organization” and “volunteer” shall have the same meaning as used in 42 U.S.C. 14505.

(b) The department of conservation and recreation may co-sponsor and participate in an event or activity on department property with a nonprofit organization at which the nonprofit organization may be allowed to charge, or solicit or receive donations of funds at the event or activity, if the event or activity furthers a public purpose of the department and the funds are used and expended by the nonprofit organization or department only for supporting or improving a facility or program of the department. The nonprofit organization shall report to the department and provide an annual accounting of the funds and expenditures.

(c) To encourage and further public participation in stewardship to educate, promote, clean, maintain or improve facilities of the department of conservation and recreation, the department may enter into agreements with nonprofit organizations regarding volunteers participating in the stewardship on department property. If the department enters into an agreement to co-sponsor or participate in an event or activity with a nonprofit organization, pursuant and subject to chapter 258 of the General Laws and the guidelines adopted by the department under this section, a volunteer of the nonprofit organization shall not be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of the volunteer while acting within the scope of the volunteer’s activities under the agreement.

(d) The department shall post on its website for public review and subsequently establish guidelines, requirements and standards for: (1) authorizing and registering volunteers to provide stewardship services; (2) delegating direction, control, safety and supervision of the volunteers to the nonprofit organization; (3) developing accounting and reporting procedures as required in subsection (b); and (4) considering the volunteers, while acting within the scope of volunteer responsibilities for the department or the nonprofit organization, whether or not under delegated authority from the department, as public employees within the meaning of chapter 258. In a civil action involving a volunteer who is considered a public employee, the department may assert any defense or limitation on liability that the volunteer could have asserted under federal or state law.



Appendix C – DCR Region & District Map

