



Summer Volunteer Program Compliance FAQs:

For nonprofits hosting full-time volunteers for 10 or more weeks • Companion to “Ensuring Compliance with HR Issues When Using Volunteers and Interns”

Why summer programs deserve special attention. A person serving full-time (roughly 30–40 hours per week) for ten or more weeks looks more like an employee than almost any other kind of volunteer. Full-time hours, a fixed schedule, and a defined term are all features of a job — and in California, anyone performing services is presumed to be an employee (Labor Code § 3357) unless the organization can prove otherwise. Summer programs can absolutely be run lawfully, but they must be designed deliberately. This FAQ addresses the questions that come up most often.

Classification: What Are Summer Participants, Legally?

Q1. Can someone really volunteer full-time for a whole summer?

Yes — there is no legal maximum on volunteer hours. But the more a role resembles a job, the harder it is to defend as volunteering, and full-time summer service checks several risk boxes at once: substantial hours, a set schedule, and often duties that look like staff work. The legal question is never the hours alone; it is whether the person serves for charitable reasons, without expectation of compensation, freely and without coercion, in a role that does not displace paid staff. A full-time summer volunteer role must be built carefully around those requirements — it cannot simply be a staff job with the paycheck removed.

Q2. Most of our summer people are college students. Are they volunteers or interns?

These two categories are judged by different legal tests, although there is often some overlap. If the experience is designed around the student’s education — structured learning, mentorship, connection to their coursework or career preparation, ideally academic credit — the person is likely an intern, and the arrangement should satisfy both the primary beneficiary test and DLSE six-factor test. If the person is simply serving the mission with no educational design, they are likely a volunteer, and the volunteer test applies. Decide which model each role more closely follows, document it, and don’t mix the vocabulary: calling someone an “intern” while treating them as free seasonal labor is the classic misclassification pattern.

Q3. Our summer volunteers work the same schedule as staff. Is that a problem?

It is a risk factor, not an automatic violation. Some scheduling is legitimate — a program that serves clients from 9 to 3 needs its volunteers there from 9 to 3. The danger arises when the organization imposes and enforces a schedule the way it would for an employee (attendance discipline, required minimum hours as a condition of continuing). Build in genuine flexibility where the program allows it, let the volunteer’s availability drive the commitment, and document that the schedule reflects program needs the volunteer agreed to, not an employment-style mandate.

Q4. Can summer volunteers do the work of paid staff who are on vacation?

Likely not. Using volunteers to cover for paid employees, fill vacant positions, or absorb work that staff would otherwise perform is displacement, and it undermines volunteer status for the entire program. Summer volunteer

roles should be additive: expanding capacity, running seasonal programming, or supporting projects that would not otherwise happen.

Q5. One of our summer volunteers is hoping we'll hire them in the fall. Is that a problem?

Their private hope is not a problem; your promise is. If the organization dangles employment as a reason to serve the summer — or treats the summer as an unpaid tryout — the “no expectation of compensation” element collapses. Keep hiring processes completely separate: summer volunteers may apply for fall openings through the same process as anyone else, and no one should be told or led to believe that volunteering improves their chances.

Money: Stipends, Housing, and Support

Q6. Ten weeks full-time is a big commitment. Can we give a stipend so people can afford to participate?

This is where summer programs can get into trouble. For unpaid interns, a meaningful living stipend to cover expenses while learning is permissible, so long as it does not function as a wage substitute. If your program genuinely requires paying people enough to live on, the honest answers are: (a) pay them as seasonal employees at minimum wage or better; (b) structure the role as a paid internship; or (c) partner with a program that has statutory authority for living allowances (such as AmeriCorps or a university fellowship that funds the student directly).

Q7. What support CAN we lawfully provide to summer volunteers?

- Reimbursement of actual, documented expenses — mileage, parking, program-related supplies
- Meals
- Uniforms, t-shirts, and equipment needed for the role
- Training and certifications relevant to the service
- A modest, unannounced end-of-summer appreciation (a dinner, a small gift — not cash or a large gift card)

Keep every form of support disconnected from hours served. The moment a benefit scales with time worked or is promised in advance as an inducement, it starts functioning as compensation.

Q8. Can we provide housing for summer volunteers who come from out of the area?

Housing is high-risk territory. Free or subsidized housing has real economic value, and when it is provided in exchange for full-time service, regulators can treat it as in-kind compensation — which both destroys volunteer status and creates wage-and-hour problems (the housing's value may not even satisfy minimum wage for the hours worked). If housing is essential to your model, treat it as a signal that the role should probably be a paid seasonal position or a structured program with statutory authority, and consult counsel before the summer begins.

Program Obligations Over a 10+ Week Term

Q9. Do our HR policies apply to summer volunteers?

Yes. California's harassment protections expressly cover volunteers and interns (Gov. Code § 12940(j)), and a ten-week full-time cohort spends more hours in your workplace than many part-time employees do. Before the cohort starts: extend your harassment policy and complaint procedure to them explicitly, include the policy in orientation, make sure their supervisors understand that volunteers are protected, and investigate any complaint with the same rigor as an employee complaint. A brief harassment-prevention orientation for the cohort itself is inexpensive insurance.

Q10. What about injuries? Summer programs are often physical — events, outdoor work, moving supplies.

Address this before day one, not after the first sprained ankle. Volunteers are generally outside workers' compensation unless your board has elected coverage by resolution (Labor Code § 3363.6). For an intensive summer program, the board should make that decision deliberately and document it. If the board declines the election, purchase volunteer accident coverage — it is inexpensive and covers medical costs for injuries during service. Also verify your general liability policy covers volunteer acts, and if volunteers will drive (supply runs, client transport), confirm non-owned auto liability coverage and verify each driver's license and personal auto insurance.

Q11. Some of our summer volunteers are high school students under 18. Anything special there?

Several things. Obtain written parental or guardian consent and emergency contact information. Supervise minors at a higher level, and never place a minor in a role involving hazardous activities. If your program serves children and your volunteers include minors working alongside them, your AB 506 obligations (background checks for adults, mandated reporter training, policies limiting one-on-one adult–child contact) still apply to the adults in the program. And be careful with the classification question: child labor laws restrict the hours and duties of employed minors, so if a minor's "volunteer" role would fail the volunteer test, you have a child labor problem layered on top of a wage problem.

Q12. Do we need to track summer volunteers' hours if we're not paying them?

Yes — systematically. Hour records are your first line of defense if classification is ever challenged (they show what the person actually did and when), they are required for many grant matches and insurance purposes, and they let you spot risk patterns early, such as a volunteer quietly drifting to 50-hour weeks. A simple sign-in system or scheduling app is sufficient; what matters is that the records exist and are kept.

Structuring the Program Right

Q13. What paperwork should be in place before the summer cohort starts?

- **Signed volunteer agreement** acknowledging no expectation of compensation or future employment, and stating the charitable purpose and the summer term
- **Position description** distinct from any paid role, describing additive seasonal duties
- **For student interns:** a separate internship agreement documenting the educational design, learning objectives, any academic credit, and the program's fixed duration
- **Policy acknowledgments** — code of conduct, harassment policy, confidentiality where applicable
- **For minors:** parental consent and emergency contact forms
- **Screening records** scaled to the role, including AB 506 compliance for youth-serving programs
- **Board documentation** of the workers' compensation coverage decision (Labor Code § 3363.6)

Q14. We can't afford to pay summer help, but the risks you describe sound expensive too. What's the realistic bottom line?

The bottom line is that a well-structured summer volunteer program is entirely achievable at low cost — the expensive outcomes come from drift, not from the model itself. The programs that get into trouble are the ones where a "volunteer" role gradually became a staff job without pay: imposed schedules, displaced employees, living stipends, promised jobs. The programs that succeed keep the roles genuinely additive and mission-driven, keep money limited to expenses and de minimis appreciation, document everything listed in Q13, and make the insurance decisions before the first day. If at any point the honest description of a role is "we need a full-time worker and can't afford one," the answer is a funding question (grants, AmeriCorps partnership, work-study) — not a classification workaround.

Takeaway: *A summer volunteer role must be a role that only makes sense as service — additive, mission-driven, and expense-only. If it would make sense as a job posting, it's a job.*

This FAQ is educational material for planning purposes and does not constitute legal advice. Classification questions are fact-specific; consult counsel about your organization's program design, particularly before providing stipends or housing.