

## Missouri Law Paves Way For Increase In Unpaid Volunteers On Public Works Projects

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**Koryn M.  
McHone**  
Of Counsel

Missouri Governor Jay Nixon recently [executed H.B. 1594](#), which allows for workers on public works projects to agree **in writing** to volunteer their services and avoid being classified as “employed” for purposes of such work on the projects. In doing so, the volunteer will not be entitled to the prevailing wage rate for any work performed. H.B. 1594 expressly defines a “workman who agrees in writing to volunteer his or her labor without pay” as someone who “volunteers his or her labor without any promise of benefit or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility and who is not performing community service pursuant to the disposition of a criminal case against him, and is not otherwise employed for compensation at any time in the construction or maintenance work on the same public works for which the workman is a volunteer.” Additionally, the bill precludes an employer from forcing, compelling, or otherwise intimidating an employee into performing work as a volunteer on such projects. The passage of this law opens the door to more public involvement in community projects (where funding is otherwise often limited) and encourages more community involvement in such projects, without posing risk to local governments that they will be on the hook for the prevailing wage rate to those who knowingly volunteer their services. In order to comply with the letter of the law and reap the benefit of such “volunteer” work, however, it is important to ensure that volunteers provide written acknowledgments that clearly indicate the worker’s agreement that he/she volunteers the labor without pay and “without the promise of benefit or remuneration.” It is also important to keep track of those “volunteering” for such projects to ensure there aren’t any “volunteers” who, by law, cannot be treated as such.

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