

LEGISLATIVE UPDATE ON VOLUNTEERING

Workshop, Association of Volunteer Bureaus
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The Office of Volunteer Development as advocate for volunteers is a living contradiction, since we are not allowed to have volunteers to share our own work. In spite of the fact that there never will be enough money for paid trained staff to meet all the human services demand, we are still under the US Code 31, Section 665(b) prohibition of voluntary service in federal offices. Effectively blocking out consumer or interested individual contact with the regulators and administrative authorities of most federal programs, that law has a few HEW related legal exceptions:

- PL 87-614 Blind Government Employee Readers
- PL 90-174 Federal Public Health Facilities
- PL 91-596 National Institute for Occupational Safety and Health
- PL 92-463 Federal Advisory Committee Act
(although most pay members for their time)
- PL 93-647 Federal Interagency Day Care Centers
- PL 93-113 Domestic Volunteer Service Act, authorizing
some ACTION volunteers to serve in other
federal offices (VISTA must serve and live below
poverty level, Peace Corps outside USA); most
ACTION volunteers serve in state or local projects,
not forbidden by law, and encouraged by both
ACTION as "producer" and HEW as "consumer" of
volunteers

The Federal Interagency Committee on Education has been supporting Congressional bills to permit student volunteering by interns in federal offices, but none has ever made it out of Committee. An Attorney General's opinion in 1913 distinguished voluntary services

from "gratuitous services" by conditions of prior agreement. Our HEW General Counsel's office felt this was not strong enough to be a real exception to the law forbidding voluntary service.

The unique perspective of the volunteer, his deriving his income elsewhere and not having either his job at stake nor his use of services questioned as consumers do, gives the volunteer a valuable perspective for program analysis and goal setting. He also has power to mobilize resources to which neither consumers nor regular paid staff can have access. The Volunteer Development System distributed by this HEW office is intended to open participative opportunities for volunteers not only in service roles, but on boards, advisory committees, as recruiters, trainers, Speaker's Bureau resource persons, supervisors of other volunteers, on evaluation and program design decision groups. There they can use their learning from direct service for policy formulation, service receiving system designs, and influencing priorities for the use of limited resources at local, state and national levels.

In this country we change systems piece by piece, not with the sudden complete turnover of governments we see in other countries. Democracy is always in the process of evolution here, imperfect but improvable without abortive action. Our guiding principle is that decisions should be made by the people who will be affected by the outcomes. With increasing population complexity and dynamic technological change, our republic finds participatory patterns difficult to develop or maintain. Laws enfranchising groups such as minorities and women were not enforced and lost effectiveness until reinforced by the Civil Rights Act and the War on Poverty "maximum feasible participation" principle. A parallel lack of faith has been developing about advisory committees. People feel that what they say is not listened to, that the real choices about public policy are made without the participation of people who have a right to try to influence outcomes.

Partly to combat increasing centralization of power, the New Federalism movement has been gaining momentum. Many laws have appropriated federal revenues and devolved decision-making powers from the national level to states and the 39,000 local general purpose governments. Amended in 1976, general revenue sharing, started in 1972 under the State and Local Fiscal Assistance Act, is the prime effort to give local officials maximum control. States are now asking the federal agencies which administer many special revenue sharing provisions to tighten standards through regulations for administration of programs such as Urban Development, Housing and Community Development,

HEW for Health Planning and Resource Mobilization Act, Medical Assistance and Title XX of the Social Security Act, several Education Acts, Rural Development, CETA etc. Standards are being developed by the Association of Volunteer Bureaus Task Force on Accreditation and Standards for the Alliance on Volunteerism. Local regulations tend to be more restrictive than national ones when administration is decentralized, and political manipulation is considered easier and more likely at local levels. Through income taxes the federal government finds raising money easier. States' and local rights to decision-making powers are based on the assumption that local people best understand local needs.

There are many contradictory provisions regarding volunteers due to our patchwork legislative approach. For example in the Social Security Act there are two Title XVI's: one to continue the categorical system for Puerto Rico, Guam and the Virgin Islands with the 1967 "Harris Amendment mandate" for volunteers in services and on advisory committees. The other authorizes Supplementary Security Income (with no provision for voluntary services) for the fifty states and District of Columbia instead of Aid to Aged, Blind or Disabled which were considered stigmatized by being part of "welfare". The 1967 "Harris Amendments mandate" remains in effect for the states and District of Columbia in Title V Maternal and Child Health and Crippled Children's Services, and Title XIX, Medical Assistance Programs. Although not mentioned in Title XVII, Grants for Planning Comprehensive Action to Combat Mental Retardation, volunteers have been extremely active and effective in service and administrative roles in that field. Volunteers helped get the Developmental Disabilities Act passed October 4, 1975, which suggests ACTION and other volunteers for programs for habilitation of people with epilepsy, cerebral palsy, mental retardation and autism, and has an ideal definition of volunteer: "a person who provides a service on a non-paid basis except for reimbursement of actual expenses, and who works in concert with other services toward shared objectives on an individual or group assignment."

The 1974/6 amendments to the Social Security Act, Title XX, Grants to States for Services removed the mandate for volunteers in public assistance under Title IVA but left it intact in Title IVB for child welfare services. Title XX itself requires a state plan for services to include (2004G) "a description of the organizational structure through which the program will be administered, including the extent to which public and private agencies and volunteers will be utilized in the provision of services."

Voluntary organizations and volunteers are encouraged to participate in assessing needs, and reporting to state agencies their suggestions and comments for the plans before and after the required annual publication of the plan for service. Such information will be considered in the final formulation process by the designated state agencies. The terms citizen participation and volunteer overlap at these times, and both include consumers of services. The coordination of these citizen efforts is often in the hands of area or county level volunteer administrators, or Volunteer Bureaus under a purchase of service contract, or sometimes made possible by a CETA appointment. A visible contact person for the community, the volunteer administrator is also a focal point for staff requests and suggestions for voluntary efforts. Many positions justified on a cost/effectiveness basis show hours of service generated at very high levels (\$43 million worth in Michigan, computed on a minimum wage basis, although the actual value is priceless).

Unfortunately for the volunteer, reports are not required to include information about volunteer involvement to most federal agencies. The first year of Title XX, beginning October 1, 1975, six states did not even mention volunteers in their state Title XX plan, but at least three of those did have significant volunteer activities. Salaries and expenses for volunteer administration are reimbursable at a 25/75 ratio, and the training for staff and volunteers is not under the 2.5 billion mandated ceiling for Title XX funds. A new flyer about services offered by the various states in 1976 is available from the Office of Human Development, Public Services Administration. Both United Way of America and the Grantsmanship Center of Los Angeles are monitoring Title XX, much as the League of Women Voters is monitoring general revenue sharing. Three types of services are available without regard to income or other eligibility requirements: information and referral, protective services and family planning. All have volunteer roles involved in some states. It is important that volunteers experienced and active in service delivery roles be invited to participate in early planning and evaluation, as well as power structure volunteers, consumers, and providers of skilled services. Volunteers become advocates for consumer needs, adequate services and competent staff, and can speak with authentic first hand experience which is persuasive and influential.

In several states at least 10% of the volunteers are recipients of services who are learning skills and enjoying giving roles as well as benefits of the program system. Their life learned wisdom is important to program development and the process of planning for realistic service receiving systems in health, mental health, education, rehabilitation and welfare.

The 1976 national report from state rehabilitation facilities also omitted information about volunteers. We know from the SRS sponsored Goodwill study that in 1970 only 55.2% of the community and 72.5% of the rehab hospitals had volunteers active in program services, though most had auxiliaries and board members. Even with the excellent manuals produced by that project, there remains explicit resistance to volunteer services in vocational rehabilitation. This seems an ironic tragedy, since volunteer interest is high in rehabilitation, and their effectiveness in motivation of persons overcoming handicaps is well documented. More general "mainstreaming" programs especially those not vocationally oriented, tend to involve volunteers to offer recreational and socialization activities. The new Director of the Veterans Administration, Max Cleland, as a legislator in Georgia introduced the earliest legislation for a Volunteer Office at State level because of his personal experience with volunteers. At last ACTION count there are thirty-four states with a Governor's office on volunteering under various titles: Volunteer Services, Voluntary Action, Citizen Participation, etc.

Title III of the Juvenile Justice Act of 1974 provides for Runaway Youth services and is administered by the HEW Office of Youth Development. The rest of the act dealing with prevention, probation, incarceration, parole, etc. is delegated to the Justice Department Law Enforcement Aid Administration. Both are aided to a high degree by service volunteers and advocates.

The National School Volunteer Program, Inc. estimates 5,500,000 volunteers in elementary and secondary schools and high levels of student volunteering in their communities as part of citizenship education experiential learning. The Community Schools Act of 1974 encourages community participation in planning and expanding educational, recreational, cultural programs. With falling primary enrollments, buildings are being converted to family counselling service centers for all citizens, in some neighborhoods. PL 92-318, Higher Education Act Title I, provides for community services and leadership development services by community colleges, and advisory councils with representatives of students, general public and professions on state and area advisory councils. Programs often are short term non-credit, for board officers and members, committee work and special volunteer administrative skills.

PL 93-380 Title I mandates parent advisory councils wherever federal assistance is used. Title VII provides for the National Reading Improvement Program, Reading Academies and Right to Read, all relying on volunteers. PL 94-142, Education for all Handicapped Children Act of 1975, insures rights to parents and concerned citizens to participate in planning and special services in school systems,

and at county or state levels. PL 92-318 provides for Indian children and an Ethnic Heritage Program for special groups. PL 93-638, Indian Self-Determination and Education Assistance Act and community action programs with maximum participation by Indians. Title VIII allows non-federal contribution in cash or in-kind including voluntary services on an 80/20 ratio, much like the Head Start and Follow Through programs which are on the increase with greater congressional support than earlier years. PL 94-482, Life Long Learning Act of November 1976, provides for encouragement of appropriate learning opportunities under a variety of auspices for all citizens, but particularly those whose opportunities have been limited or situations changed.

The recent countrywide forums on the Future of Social Services sponsored by the National Conference of Social Work showed a great need for "bridging volunteers" to escort persons through the induction process of a new agency from another one. "Sixty percent of the people who seek social services are turned away from agencies and only 17% of the remaining 40% are actually served: only one out of five people referred from one service to another ever reach the agency to which they were referred."

Particularly concerned about preventive health programs and social service emergencies, volunteers have an important function in facilitating transportation for and use of services by persons who find admission and intake processes formidable barriers. Insurance provisions for volunteers are state determined and vary widely. The nationwide excess automobile coverage initiated by CIMA is not now being renewed, unfortunately, due to lack of subscriptions.

Other activities are on the upswing: The Association of Junior Leagues is in the midst of a Child Advocacy Project planned with the Children's Bureau, to run for four years. The General Federation of Women's Clubs is embarking on a National Prevention Campaign. Child Abuse, PL 93-247 and PL 93-644 programs include self-help groups, training for police, teachers, group leaders, clergy to recognize signs and make referrals, public education campaigns and staff training for prevention, identification and treatment. Under PL 93-270, the Sudden Infant Death Syndrome Act of 1974, provides for community programs, councils and research projects to help the grief of parents, and research to discover the yet unknown causes of such tragedies. PL 93-644, Community Services Act, provides for parent activities as volunteers or observers, planners and employment in Head Start and in community action and development programs, winterization

projects for homes of Older Americans. Their own Act in Title III provides for state and area planning, and Title VII Nutrition programs, both congregate and home delivered meals, and Title IX establishes day care and service centers for health, education, recreational and social services in which the older persons themselves participate as volunteers and as administrators, and amends the Vocational Education Act of 1963 to provide special consumer and homemaking programs to enable them to remain in their own homes, with escort, legal, residential repair and ambulatory day care services. ACTION legislation provides for increased appropriations in Older American Programs each year, emphasizing the Senior Companion aspects particularly, recently, in addition to Foster Grandparent and Retired Senior Volunteer Programs.

Under the Community Services Act of 1975 and the Housing and Community Development Act, many community self-help and service programs are growing up with federal seed money and economic technical assistance. Nonfederal contributions may be in-kind, including services of volunteers. The OEO name is now Community Services Administration.

The recent White House Conference for the Handicapped considered numerous recommendations from the states for state and federal legislative changes. If they are as dramatic in impact as the "405" regulations against discrimination, architectural and transportation barriers to handicapped persons, the "mainstreaming" efforts of volunteers will be facilitated considerably. Much like the Bill of Rights for the Developmentally Disabled, other personal limitations will no longer mean denial of rights to participate in mainstream activities.

PL 93-344, Congressional Budget and Impoundment Control Act of 1974 changed the federal fiscal year to October through September, and opens the planning process to public comment before final congressional approval of the Federal Budget through hearings in each House. The Tax Reform Act of 1976 defines the word "substantial" in IRS regulations about lobbying activities by "501C3" charitable organizations. This recommendation by the Filer Commission fared better than their request for the continuation of a Commission on Private Philanthropy and Public Needs. One meeting was held at which Secretary of the Treasury Blumenthal disbanded the group in eight minutes, advising them to find auspices other than the Treasury Department. The National Congress on Voluntarism and Citizenship recommended a much broader Volunteer Advisory Council for the President, each governor and each governing body. A National

Conference on Social Welfare Task Force on the Future of Social Services recommended a National Institute of Social Service Research analagous to the National Science Foundation. Citizens participating as volunteers have their advocacy roles cut out for them if such organizations are to be created to improve the quality of American life! Our job is to help them gain the competence and confidence to persuade our law makers and executives that they should have nothing to fear from such citizen participation!