# Washington Public Ports Association

## The Care & Feeding of Volunteers

2026 Small Ports Seminar

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Port of Brownsville

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# Legal Considerations for Volunteers at Ports

Washington Public Ports Association
Small Ports

Tim Schermetzler

October 23, 2026

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# The key to volunteering…a lot of pockets



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# First Pocket:
# What is a Volunteer

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# What is a Volunteer?

- “Volunteer” is defined in both federal and state laws.
- Definitions vary in statute depending on the context.
- The Washington Dept. of Labor & Industry defines volunteers as:

> A volunteer freely gives their time and talents without expectation of pay. A volunteer can only work for an educational, charitable, religious, state or local government, or non-profit organization.

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# What is a Volunteer?

| Employee vs Volunteer Comparison Chart | | |
|---|---|---|
| | Employee | Volunteer |
| Compensation | Receives wages, salary or regular compensation | No pay or monetary compensation |
| Legal Status | Protected by federal and state labor laws | Genereally not covered by labor laws |
| Motivation | Financial compensation / employment | Community service, personal intrinsic benefit |
| Control & Supervison | Employer control and performance evaluation | Self-determined participation, greater autonomy |
| Schedule | Fixed or regular hours set by employer | No/limited Requirements and more flexibility |

- The determination of whether a person is a “volunteer” or an “employee” is a factual determination depending on a variety of factors – the “economic reality” factors.

# What is a Volunteer?

- Volunteers can maintain their status as volunteers even it they get reimbursement of expenses (e.g., milage, parking, etc.), nominal stipends or perks (e.g., food or lodging), gifts of appreciation, or unpaid job training or academic credit.
- Generally, Port employees cannot also be a volunteer for the Port.
- Consider (and define) the scope of volunteer work:
  - Would volunteers displace employees
  - Labor implications if volunteers are performing what could be viewed as “union work”
  - Safety considerations (training and safety equipment)
  - Does the volunteer work require certifications or specialized training
- Key is to set clear scope of work and expectations for volunteers

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# Second Pocket: Workers Compensation Protection & Insurance

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# What is Worker's Compensation?

- Worker's Comp – a "no fault" insurance program ran by the state to provide wage loss and medical benefits to workers hurt on the job
- Title 51 RCW – Industrial Insurance Act
- Administered by L&I
- Volunteers are not automatically covered by worker's comp
- The legislature enacted Industrial Insurance Act (IIA) provision on volunteers with the intent to provide limited medical aid benefits to local government and nonprofit volunteers. *See* Doty v. Town of South Prairie, 155 Wn.2d 527 (2005)

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# Volunteers & Workers Comp

- **RCW 51.12.035** provides when and to what extent volunteers get covered:

  (2) Except as provided in RCW 51.12.050, volunteers may be deemed employees and/or workers,[…], for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of any city, county, town, **special district**, **municipal corporation, or political subdivision of any type**, […], when any such unit of local government […]has **given notice of covering all of its volunteers to the director** prior to the occurrence of the injury or contraction of an occupational disease.

  A "**volunteer**" shall mean a person who performs any assigned or authorized duties for any such unit of local government, […], brought about by **one's own free choice, receives no wages, and is registered and accepted as a volunteer by any such unit of local government**, […], for the purpose of engaging in authorized volunteer services: […]

  Any and **all premiums or assessments** due under this title on account of such volunteer service for any such unit of local government, […] **shall be the obligation of and be paid by such organization** which has registered and accepted the services of volunteers and exercised its option to secure the medical aid benefits under chapter 51.36 RCW for such volunteers.

- The Case of “Trusty” the Jailhouse Volunteer - *See* In re Wissink, 118 Wn.App. 870 (Div. 3 2003)

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# Volunteers & Insurance

- Whether volunteers are covered depends on your policy
- E.g.: Enduris website states:

  *For liability purposes, Enduris treats volunteers like employees when they are acting within the scope of their assigned duties.*

- Before engaging volunteers, check with your carrier to see if / how volunteers are covered

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# Third Pocket: Policies & Forms

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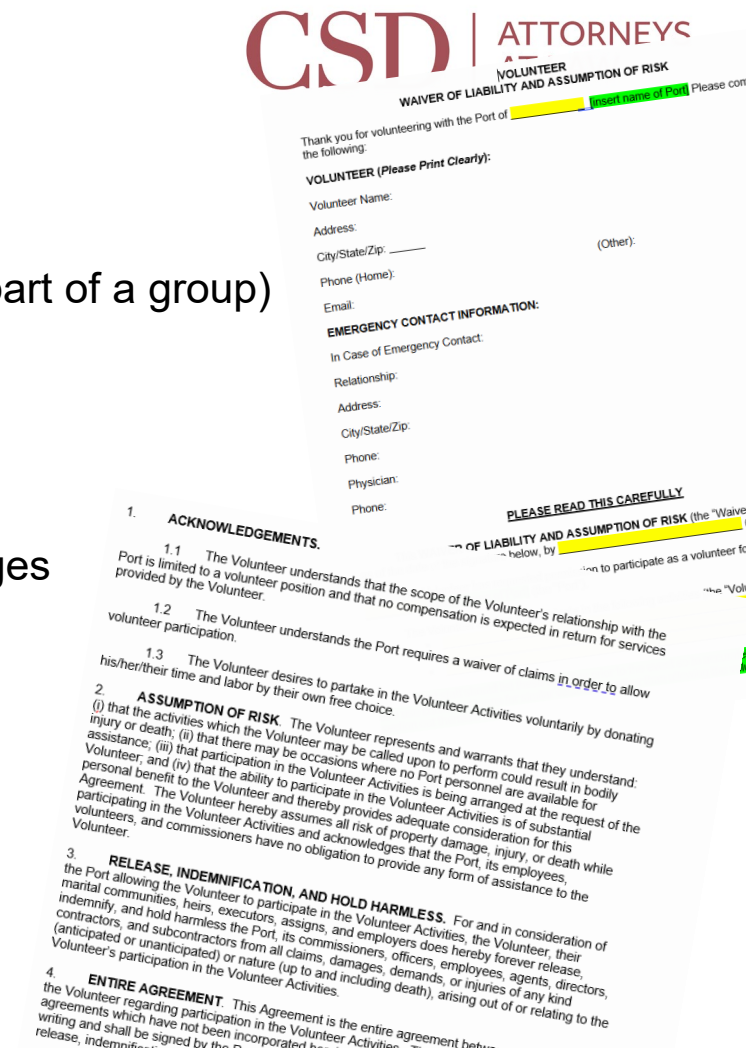
# Volunteer Policy

- A policy, while not required, is advisable
  - Policy is a management tool for volunteers
  - Policy directs staff on Commission's goals/purpose for volunteerism
  - Authorize / delegate authority to staff to manage volunteerism
- Policy can include:
  - Authorized activities for volunteers
  - Expectations of volunteers
  - Requirement for volunteers to follow all other Port Policies
  - Notification of whether Port elected to cover volunteers under Workers Comp
  - Clearly set forth status as volunteers for employment law purposes
  - Publicity and photographic/video rights notice / rules

# Forms for Volunteers

- All volunteers should fill out a form (even when part of a group)
- Forms should at minimum indicate
  - Scope of volunteer work
  - Acknowledgement of free choice and no wages
  - Assumption of Risk & Release



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VOLUNTEER
WAIVER OF LIABILITY AND ASSUMPTION OF RISK

Thank you for volunteering with the Port of _____ [insert name of Port] Please com
the following:

**VOLUNTEER (Please Print Clearly):**

Volunteer Name:
Address:
City/State/Zip: _____ (Other):
Phone (Home):
Email:

**EMERGENCY CONTACT INFORMATION:**

In Case of Emergency Contact:
Relationship:
Address:
City/State/Zip:
Phone:
Physician:
Phone:

**PLEASE READ THIS CAREFULLY**

**OF LIABILITY AND ASSUMPTION OF RISK** (the "Waive
below, by _____ on to participate as a volunteer fo

1. **ACKNOWLEDGEMENTS.**

1.1 The Volunteer understands that the scope of the Volunteer's relationship with the Port is limited to a volunteer position and that no compensation is expected in return for services provided by the Volunteer.

1.2 The Volunteer understands the Port requires a waiver of claims in order to allow volunteer participation.

1.3 The Volunteer desires to partake in the Volunteer Activities voluntarily by donating his/her/their time and labor by their own free choice.

2. **ASSUMPTION OF RISK**. The Volunteer represents and warrants that they understand: (i) that the activities which the Volunteer may be called upon to perform could result in bodily injury or death; (ii) that there may be occasions where no Port personnel are available for assistance; (iii) that participation in the Volunteer Activities is being arranged at the request of the Volunteer; and (iv) that the ability to participate in the Volunteer Activities is of substantial personal benefit to the Volunteer and thereby provides adequate consideration for this Agreement. The Volunteer hereby assumes all risk of property damage, injury, or death while participating in the Volunteer Activities and acknowledges that the Port, its employees, volunteers, and commissioners have no obligation to provide any form of assistance to the Volunteer.

3. **RELEASE, INDEMNIFICATION, AND HOLD HARMLESS.** For and in consideration of the Port allowing the Volunteer to participate in the Volunteer Activities, the Volunteer, their marital communities, heirs, executors, assigns, and employers does hereby forever release, indemnify, and hold harmless the Port, its commissioners, officers, employees, agents, directors, contractors, and subcontractors from all claims, damages, demands, or injuries of any kind (anticipated or unanticipated) or nature (up to and including death), arising out of or relating to the Volunteer's participation in the Volunteer Activities.

4. **ENTIRE AGREEMENT**. This Agreement is the entire agreement betw
the Volunteer regarding participation in the Volunteer Activities
agreements which have not been incorporated
writing and shall be signed by the
release, indemnifi

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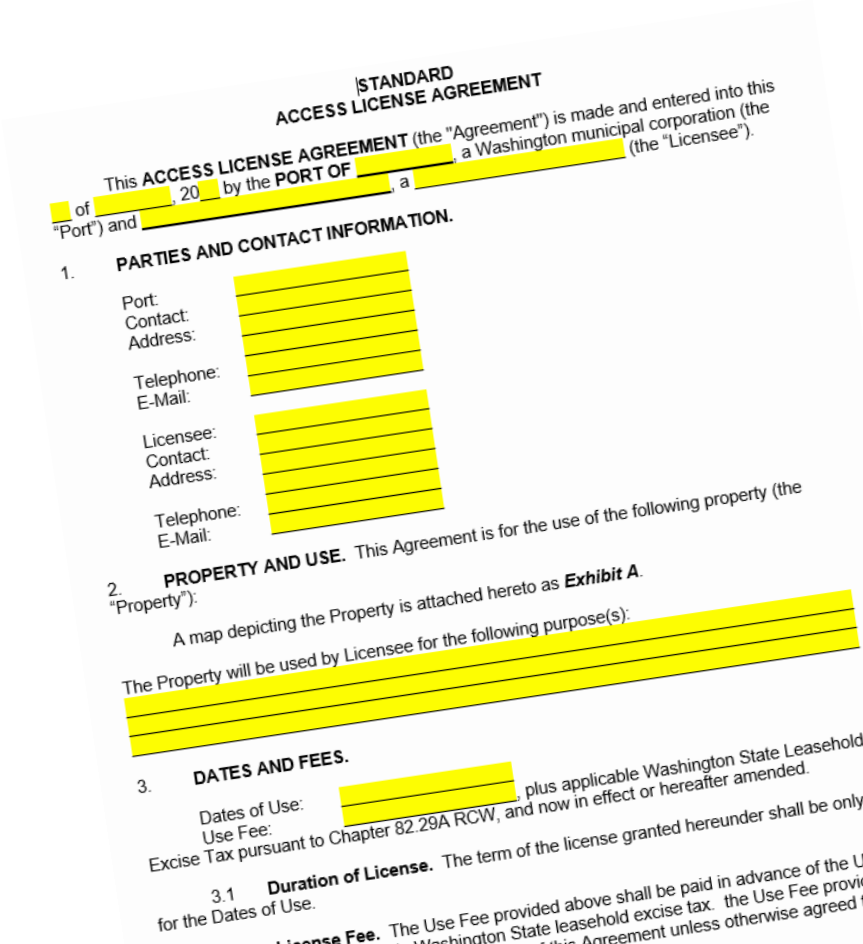
# Forms for Volunteers

- Other forms to Consider:
  - Standard Access License Agreement
  - Volunteer Disengagement Letter
  - Incident Report
  - Donation forms



STANDARD
ACCESS LICENSE AGREEMENT

This **ACCESS LICENSE AGREEMENT** (the "Agreement") is made and entered into this ___ of _____, 20__ by the **PORT OF** _____, a _____, a Washington municipal corporation (the "Port") and _____ (the "Licensee").

1. **PARTIES AND CONTACT INFORMATION.**

Port:
Contact:
Address:

Telephone:
E-Mail:

Licensee:
Contact:
Address:

Telephone:
E-Mail:

2. **PROPERTY AND USE.** This Agreement is for the use of the following property (the "Property"):

A map depicting the Property is attached hereto as ***Exhibit A***.

The Property will be used by Licensee for the following purpose(s):

3. **DATES AND FEES.**

Dates of Use:
Use Fee:

Excise Tax pursuant to Chapter 82.29A RCW, and now in effect or hereafter amended.

3.1 **Duration of License.** The term of the license granted hereunder shall be only for the Dates of Use.

**License Fee.** The Use Fee provided above shall be paid in advance of the U
Washington State leasehold excise tax. the Use Fee provi
this Agreement unless otherwise agreed

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# Fourth Pocket:
# Other Legal Considerations

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# Other Legal Considerations

- Open Public Meeting Act ("OPMA")
  - Volunteer advisory boards or committees.
  - Is the committee "acting on behalf" of the governing body?
  - A committee that serves in purely advisory function are not subject to the OPMA because they have no authority beyond providing advice and information to the governing body to act upon in an open public meeting.
  - But consider the optics – even if not required, should the committee meetings be open to the public? Should notes be taken?

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# Other Legal Considerations

- Public Records Act
  - Waivers, volunteer rosters, and similar forms are public records
- Certain information may be exempt from disclosure RCW 42.56.250(1)(d)
  - Residential address
  - Telephone numbers
  - Personal emails
  - Social security numbers
  - Driver's license numbers / identification cards numbers
  - Emergency contact information

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# Other Legal Considerations

- Volunteer liability protections
- RCW 4.24.670 protects volunteers from personal liability for harm caused by the volunteer on behalf of the organization if:
  - Within the scope of assigned work
  - Volunteer is licensed, certified or authorized for the activity, if required,
  - The volunteer did not act was not intentionally, criminal or grossly negligent
  - Harm not caused by volunteer operating a motor vehicle, vessel, aircraft, or other vehicle that the stat requires a license or insurance

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***Thank you!***

***tschermetzler@csdlaw.com***
***360-671-1796***

PORT OF BROWNSVILLE

# VOLUNTEER POWER AT THE PORT

How volunteers can help small ports accomplish more, strengthen community ownership, and expand capacity for the work that matters.

**Port of Brownsville**

Volunteer Program Concept



# VOLUNTEERS SHOULD SUPPLEMENT STAFF—NOT REPLACE SAFETY-CRITICAL WORK

A strong program starts with clear boundaries. The goal is to extend capacity without creating operational, safety, labor, or liability problems.

## GOOD VOLUNTEER WORK

- Clearly defined
- Low-risk
- Trainable
- Supervised
- Easy to document
- Connected to a public purpose

## KEEP WITH TRAINED STAFF / CONTRACTORS

- Electrical or mechanical work
- Hazardous materials
- Safety-critical marina repairs
- Enforcement / security authority
- Sensitive records or confidential access
- Work requiring licenses or certifications

# We Asked Our Insurance Company Where the Line Should Be

**We did not want to guess what volunteers could safely do under our coverage.**

### WE ASKED

What can volunteers do? What should they not do? What conditions or supervision matter?

### WE CONFIRMED

That the Port had the appropriate coverage in place for the volunteer activities we intended to use.

### WE USED THE ANSWER

To shape task boundaries instead of making assumptions about risk.

**This became part of the volunteer policy: helped us define the work first, confirm it fits the Port's coverage, and then assign it clearly.**

# Brownsville's Current Volunteer Policy

**Our policy is built around a simple idea: volunteers should know the job, the boundary and the person responsible for the project before work begins.**

| | | |
|---|---|---|
| 1 | **PORT-APPROVED ASSIGNMENT** | Volunteer work starts with a defined Port project or task. |
| 2 | **DESIGNATED CONTACT** | Every project has a Port contact or lead for questions and escalation. |
| 3 | **APPROVED TASK BOUNDARIES** | Volunteers stay within the work that has been approved for that project. |
| 4 | **STOP + REPORT** | If something is unsafe, unknown or outside the assignment, volunteers stop and report it. |
| 5 | **DOCUMENT THE WORK** | Hours, completion, issues and results are recorded so the Port knows what was done. |

Yes we had this policy in place... however, it was loosely followed

# We Started Before the Program Was Perfect

**6**
**MONTHS**

of real-world volunteer experience

**We had people ready to help. We had projects. So we started with a basic structure instead of waiting until every detail was perfect.**

**That decision gave us something a formal volunteer program could not:**

actual experience showing us where volunteers thrive, where they hesitate, where staff needs to stay involved, and where our process needs to be clearer.

PORT OF BROWNSVILLE

## Summer Projects Completed By Volunteers

# SMALL CONTRIBUTIONS ADD UP FAST

**19**

VOLUNTEERS

**4+**

HOURS / MONTH EACH

**4**

MONTHS

Pressure washed and striped the bay-side parking lot.

Removed debris from drains in main parking lot.

Flipped and pressure-washed 10 picnic tables in the park and on the breakwater.

Pressure washed and Painted yellow curb at boat launch.

Upper park spring cleaning:

- Pressure washed gazebo and picnic tables
- Raked entire park
- Cut tree and bushes

Cleaned over 150 electric pedestals and fire hose reels on B,C,D,E,F and main docks.

Installed over 30 life rings throughout marina including breakwater.

Pressure-washed, weather-sealed and rebuilt the fence handrail up to the pavilion.

Pressure-washed and weather-sealed avalanche wall up to the pavilion.

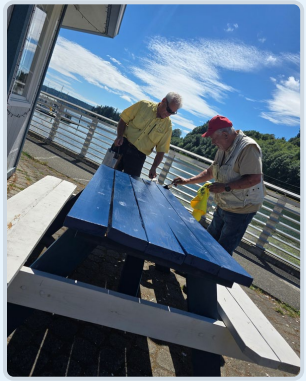
# What Six Months Taught Us



1. People take ownership of projects they want to do.
2. New projects do not begin until the current project is complete
3. Establish a budget for projects and provide the supplies  vs allowing volunteers to purchase supplies and we riemburse them
4. Insurance boundaries need to be understood and explained to volunteers before the work is assigned.
5. Documentation matters — especially when volunteer work feeds into future Port decisions.
6. Enthusiasm is valuable, but enthusiasm alone is not a management system.

# MAKE IT EASY TO SAY YES—AND EASY TO COME BACK

Retention is built through clarity, respect, useful work, and visible appreciation.













**People are more likely to return when they know their time was useful, their role was organized, and someone noticed the contribution.**

# The Volunteer’s “Fence”

| | |
|---|---|
| **CLEAR ASSIGNMENT** | Task, location, expected result and finish point. |
| **ROOM TO DECIDE** | Choices the volunteer can make independently within the assignment. |
| **KNOWN LIMITS** | Work that is outside the assignment or needs staff / professional involvement. |
| **RELIABLE CONTACT** | One named person for questions, check-in and escalation. |

**The goal is organized independence — not vague invitations and not unsupervised authority.**

PORT OF BROWNSVILLE



# REPORT WHAT VOLUNTEERS HELPED ACCOMPLISH

For a public port, the program should be measurable and transparent—not just a feel-good initiative.

### HOURS

Volunteer hours contributed

### PROJECTS

Tasks or projects completed

### PARTICIPATION

Active and returning volunteers

### SAFETY

Training completion and incidents

### PUBLIC BENEFIT

Events, cleanups, access, beautification

### STAFF CAPACITY

Work staff could redirect to core operations

# Build Volunteer Work Into Port Operations

**Volunteer work should not live in scattered texts, personal notes or memory.**

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| **VOLUNTEER PROFILE** | **APPROVED TASK** | **CHECK-IN** | **PROOF OF WORK** | **REPORTING** |
| Skills • availability • orientation | Location • lead • instructions • limits | Start time • materials • questions | Before/after photos • notes • completion | Hours • projects • issues • recognition |

**The goal is a record of who helped, what they were assigned, what happened and what the Port learned.**

# Our Next Step: Give Community Expertise a Port Pathway

**One of the gaps we still see is community members doing valuable research independently — then bringing it to the Port after the work is already done.**

### VOLUNTEER / IMPROVEMENT COMMITTEE

A commissioner-linked committee could help define projects, organize research and keep community effort connected to the Port.

### DOCUMENT BEFORE DECIDING

Questions, contacts, estimates and research can be collected in one place before a recommendation is brought forward.

### COMMISSION STILL DECIDES

The committee develops information and recommendations; decisions remain with the Commission and operations remain with staff.

The goal is to turn community effort into organized information the Port can actually use.

# When Help Happened Outside a Port Process



## GOOD INTENTIONS

**People sometimes took it upon themselves to research or act on issues they believed would help the Port.**

### BUDGET RESEARCH

Community members reviewed budgets and tried to identify savings, needs or solutions.

### CONTRACTS & VENDORS

People contacted contractors or vendors to gather pricing and project information.

### PERMITS & AGENCIES

People contacted agencies or researched permits and requirements on their own.

**The effort was helpful — but because it happened independently, staff and the Commission still had to go back and verify the information before it could be used.**

# Why That Became Frustrating

## “I already did all of this work.”

When someone has invested hours trying to help, rechecking the work can feel like rejection — even when the Port is simply doing its own verification.

**What we learned:** **Good intentions need a clear Port pathway so volunteer effort is useful the first time and people know how their work will be received.**

# Our Current Advisory Committee: Policies & Procedures

**Why it was created**

There was high community interest in Port policies whether they should be updated, whether new policies should exist and what issues deserved attention.

**What it provides**

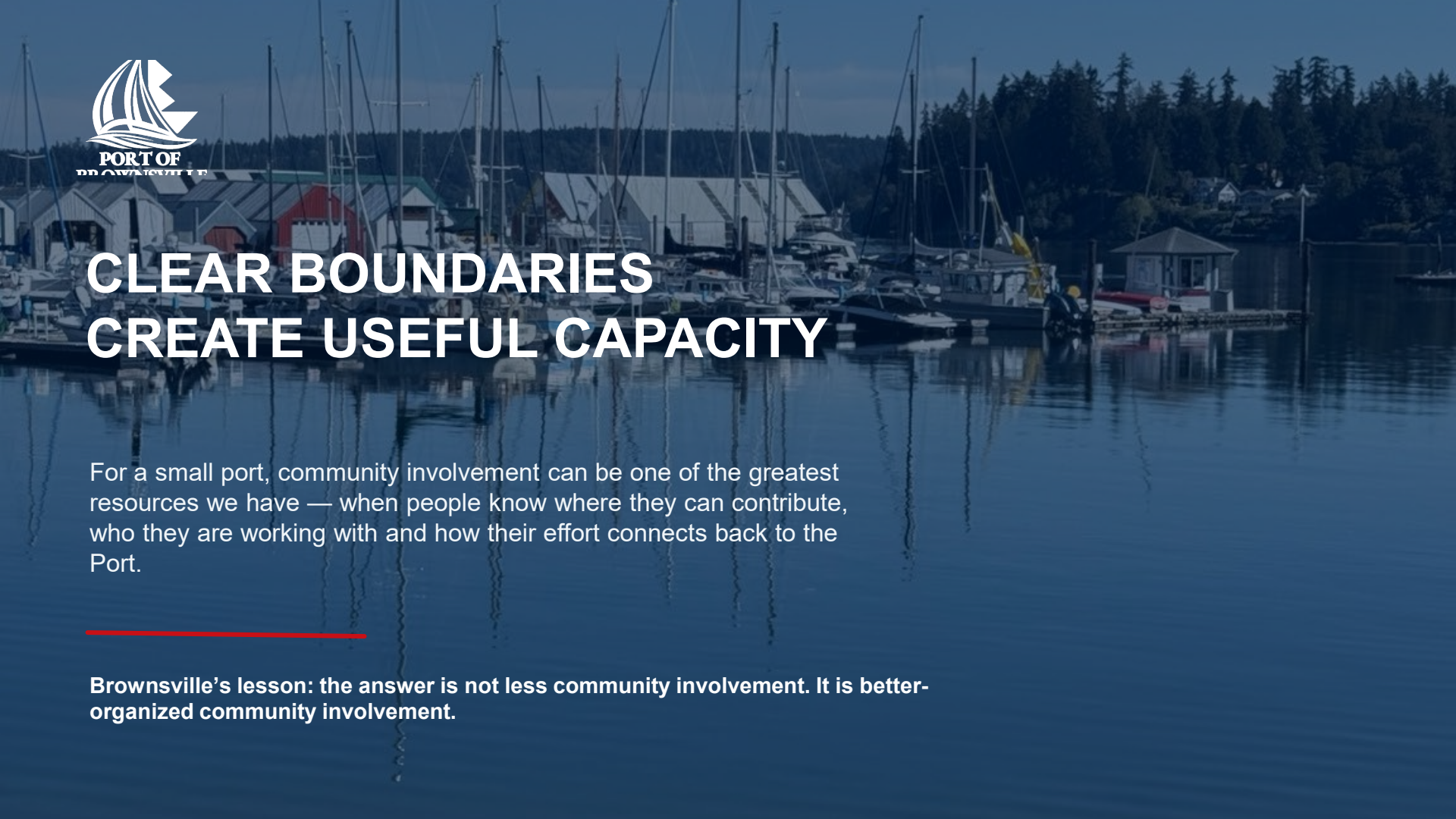
An appropriate outlet for review, research and organized recommendations instead of scattered, independent efforts.

**Why it helps**

It gives commissioner oversight, keeps the work connected to actual Port priorities and helps community members know they are working on something relevant.

## WHY THIS COMMITTEE MATTERS

- It gives community interest an appropriate place to go.
- Members can lend professional experience to work the Port is actually focusing on.
- A commissioner helps keep the work organized and connected to the Commission.
- The goal is for people to know their effort will be heard and their time will not be wasted.



# CLEAR BOUNDARIES CREATE USEFUL CAPACITY

For a small port, community involvement can be one of the greatest resources we have — when people know where they can contribute, who they are working with and how their effort connects back to the Port.

**Brownsville's lesson: the answer is not less community involvement. It is better-organized community involvement.**

# Volunteerism at the Port of Allyn



Travis Merrill
Port of Allyn
Executive Director

# Why did the Port of Allyn began using volunteers?



**The Community First Approach:**

- Everything worth while happen because people came together

**Opportunity born through necessity**

- **Legacy under served community due to Shelton receiving the railroad**
- **Majority of business small or family operated**
- **Need for outside groups to organize community events**
- **Lack of funding outside of rural tax base to bring home the bacon on community improvements**

# The work Volunteers Support

**Projects**
- Sargent Oyster House
- Sweetwater Creek Waterwheel Park
- Water Committee Advisory Board

**Events or activities**
- Peir Peer
- Allyn Days
- Holiday Events

**Ongoing help**
- Regular Groundskeeping
- Office Admin












# Recruiting And Organizing People

**How people hear about the work?**

- Local Community Groups & Partnership Organizations
- Announcements at Port Commission Meetings

**How do we match people to tasks?**

- Good luck! Volunteers have a knack for letting you know what they are willing to do!

**Have a reachable end game…the carrot and the stick**

- It all starts with the passion for the outcome that can be seen on the horizon




# A volunteer workday in practice

**Safety Meetings**
- Often overlooked…ensures port can't be blamed for missing appendages!

**Notice to Proceed**
- Task demonstration and planning, work limits, designated POC

**Assignment of Tasks**
- Depending on type of work and volunteer skill offering

**Wrap-up**
- Volunteer summary of work
- Hours logs
- Pictures

# How volunteer and staff roles fit together



## Volunteer contributions

- Outside engagement with Port Commissioners and staff
- Pride in ownership of their community
- Personal private investment in the Port speaks volumes

## Port contributions

- Material are easier to acquire than labor
- Public experiencing Commissioner and staff involvement
- Progress of Port contributions to the community that might otherwise be out of reach

## The coordination point

- Port staff designates the work to be performed
- Volunteer provide any relevant expertise
- Constituents see actual community collaboration
- Donations become easier to acquire

# Procedures and agreements we use

GET YOUR AGREEMENTS IN ORDER!

License Agreements

Lease Agreements

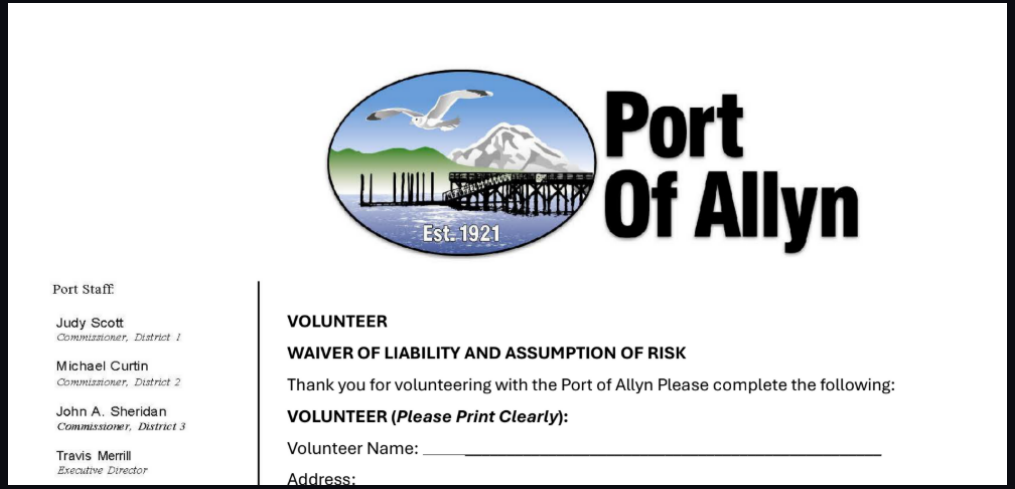
Volunteer Liability Waivers

What it covers

Everything the Commission, the Ports legal advisers and staff can consider.

Who maintains it

The Port! Do not depend on volunteers to keep track of the Port protections



Port Of Allyn

Est. 1921

Port Staff:

Judy Scott
*Commissioner, District 1*

Michael Curtin
*Commissioner, District 2*

John A. Sheridan
*Commissioner, District 3*

Travis Merrill
*Executive Director*

**VOLUNTEER**

**WAIVER OF LIABILITY AND ASSUMPTION OF RISK**

Thank you for volunteering with the Port of Allyn Please complete the following:

**VOLUNTEER (*Please Print Clearly*):**

Volunteer Name: _____

Address:

# Sargent Oyster House Restoration

## Oyster House Exterior



## Oyster House Interior



# Sargent Oyster House Restoration Progress

## Oyster House Exterior



## Oyster House Interior



# Sargent Oyster House Restoration in Partnership with the North Bay Historical Society (NBHS)

**History Revitalized**
- Ports roots with the Oyster Industry
- One of a kind maritime structure

**Volunteer Contribution**
- Firsthand historical knowledge
- Restoration coordination
- Blood, sweat & tears

**Staff Involvement**
- Permitting
- Relocation coordination

**The Results**
- All phases still in progress, considerable progress made



# Sweetwater Creek Waterwheel Park Project



## The Community Effort

Consolidated Private Partners and Stakeholder Interest

Partnership with the Hood Canal Salmon Enhancement Group

Community support from North Mason Chamber of Commerce, North Mason Kiwanis, North Mason Rotary, TrashMash! and so may more organizations

Volunteers utilized since taking over the property in 2020.

Annual and periodic work parties utilizing volunteers to help clean up and restore the property

## The result and lesson

A proud community coalition, bridging divided minds

# The Volunteer “Reality Check”

Wants vs Needs balancing

Keeping volunteers motivated

Always have Port Staff debrief volunteers

Keep tasks focused on goals that interest volunteer base



# Takeaways for Ports considering the use of volunteers

## Where volunteers help most

Community engagement, spreads the good word of what the Port does for the broader community

Through partnerships, moving greater projects closer to the finish line when funding is limited

## Where Port staff remain essential

Oversight, Oversight & more Oversight!

## Our advice

Every volunteer has their own reasons for giving back to their community, be sure to foster their interest

Happy volunteers translate into the best community advocates



# Thank You for your interest

Note the volunteer “Supervisors” hard at work!

Above all keep it enjoyable!



# Port of Brownsville




WASHINGTON PORTS